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11-25-80
X-08-80

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582

R-98-80

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583

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584

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585

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R-100-80

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592

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593

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594

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597

R-105-80

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600

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FRONT

BILL NO. S-79-09-01

SPECIAL ORDINANCE NO. S-168-79

AN ORDINANCE approving an Agreement to
purchase Real Estate from Melvin and
Dorothy Staten for Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated May 10, 1979, between
the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and Melvin and
Dorothy Staten, for

Lot #11 Edward White Addition, Fort Wayne, Indiana

for the total cost of \$1,950.00, all as more particularly set forth in said agreement which is on
file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part
hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly
adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Abstain: One
Hunter

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-168-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of
September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock
P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-02

SPECIAL ORDINANCE NO. S-169-79

AN ORDINANCE approving Civil City Purchase
Order No. 4-06874 with Ries
Equipment Co., Inc. for leaf vacuum
sweepers for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 406874, dated August 27, 1979, between

the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Ries Equipment Company, Inc., for the purchase of five Leaf Vacuum Sweepers to be used for Fall leaf pickup by the Street Department, at a cost of \$24,950.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Abstained: One
Hunter

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-169-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-09-29

RESOLUTION NO. R-53-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, the Gridcraft, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility

3

to be used for designing and manufacuring printed circuit boards and other types of electronic assemblies, located at 14520 Lima Road, Fort Wayne, Indiana, on approxiamately 7.5 acres in Huntertown, Allen County (the "Project"); and

WHEREAS, Gridcraft, Inc. will guarantee all bonds payments; and

WHEREAS, the diversification of industry and increase in 24-31 job opportunities with an estimated annual payroll of \$281,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competititve effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$800,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.
4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-53-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-05-07

ZONING MAP ORDINANCE NO. Z-23-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. P02

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M2 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. P2, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lots No. 38, 39, 40 and 41 in Whites Second Addition
to the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-23-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-07-28

GENERAL ORDINANCE NO. G-20-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain utility easement in Crestwood
Colony

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following easement, to wit:

Dedicated utility easement lying between Lots 526
and 527 in Section 1, Crest Wood Colony, an Addition
to the City of Fort Wayne, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-20-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-07-29

GENERAL ORDINANCE NO. G-21-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain alley north of Main Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

North/South alley between Harrison and Calhoun
Streets from north rightofway of Main Street
to southerly rightofway of East/West alley
between Main Street and the Landing.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-21-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-08

SPECIAL ORDINANCE NO. S-170-79

AN ORDINANCE approving Change Order No. 1
Sidewalk Improvement Resolution No. 5829-79
in connection with Oxford PH IV and Larez PH II
Project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Sidewalk Improvement Resolution No. 5829-79, to Hipskind Concrete Corporation, in connection with Oxford PH IV and Larez PH II Project, for:

additional sidewalk and curb construction previously omitted, when it was thought there would be insufficient funds to cover total construction herein,

in the amount of \$9,938.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Hinga, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-170-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-09

SPECIAL ORDINANCE NO. S-171-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 137-79
between the City of Fort Wayne, Indiana
and T & F Construction Corp., Contractor
for ornamental street lighting for
Harrison Hill Area

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated August 27, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation of Indiana, contractor, for:

installation of ornamental street lighting for the
Harrison Hill Area,

under Board of Public Works street light Resolution No. 137-79, at a total cost of \$87,984.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporation herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-171-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-10

SPECIAL ORDINANCE NO. S-172-79

AN ORDINANCE approving Change Order No. 2
Sewer Improvement Resolution No. 302-78
in connection with Kruge Place Addition
Sewer Project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Sewer Improvement Resolution No. 302-78, to Bercot, Inc., in connection with Kruge Place Addition Sewer Project, for:

additional 15" pipe and standard manholes Type 1-A to to increase service potential of this sewer, especially areas west of terminus of project,

in the amount of \$12,587.00, as set out in the specifications, is hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-172-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-77-06-27 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-05-79

AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including
the same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective December 31, 1979, to-wit:

Commencing at the intersection of the east right-of-way line of Red Haw Drive and the west right-of-way line of N. Clinton Street (Leo Road); thence northeast along the west right-of-way line of N. Clinton Street (Leo Road) to a line projected west from the north property line of Concordia Senior College; thence east along said projected line and continuing along north property line of Concordia Senior College and a line projected east to the normal centerline of the St. Joseph River, this line being the present Corporate Limits; thence in a northerly direction following the meanderings of the centerline of the St. Joseph River to its intersection with a projection east of the north line of Concordia Gardens Addition; thence west along said projection and the north line of Concordia Gardens Addition to the east right-of-way line of Leo Road; thence southerly along the east right-of-way line of Leo Road to the south right-of-way line of Auburn Road; thence northwesterly along south right-of-way of Auburn Road to east right-of-way line of Interstate Highway 69; thence southwesterly along east right-of-way line of Interstate Highway 69 to its intersection with the present Corporate Limits, a point approximately 1937.5 feet north of the south line of the NE 1/4 of Section 13, T 31 N, R 12 E; thence east along said line to the east right-of-way line of Red Haw Drive; thence south along east right-of-way line of Red Haw Drive to the intersection of the west right-of-way line of N. Clinton Street (Leo Road) the point of beginning. An area of approximately 255 acres more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning which plan was examined, approved and adopted by the Common Council prior to the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of

the City of Fort Wayne, Indiana, as described in Section 29 of Article 11 of the Code of the City of Fort Wayne, Indiana 1974.

SECTION 5. After its passage, approval by the Mayor and sixty days after final publication thereof as required by law, this Ordinance shall be in full force and effect on December 31, 1979.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: Three
Burns, Hinga, Nuckols

Date: 9-25-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-79 on the 25th day of September, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-77-07-45 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-06-79

AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including the
same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective December 31, 1979, to-wit:

Commencing at the intersection of the east right-of-way line of Huguenard Road and south right-of-way line of Washington Center Road; thence east along south right-of-way line of Washington Center Road to the northeast corner of Lot #29 Highview Park Addition as recorded in Plat Book 16, Page 9, in the office of the Recorder of Allen County, Indiana; thence south along east line of said Highview Addition to its intersection with the southeast corner of Lot #7 in said Highview Addition, this line being the present Corporate Limit; thence east along a line parallel to centerline of Washington Center Road to the intersection of the northerly right-of-way of Interstate #69; thence northeasterly along the north right-of-way of Interstate #69 to the east right-of-way of Hatfield Road; thence south along the east right-of-way line of Hatfield Road to the north right-of-way line of Burban Street; thence east along north right-of-way line of Burban Street to the west right-of-way line of Penn- Central R.R.; thence south along west right-of-way line of Penn- Central R.R. to the south right-of-way line of Arthur Street; thence west along south right-of-way line of Arthur Street to the east right-of-way line of Hatfield Road; thence south on the east right-of-way line of Hatfield Road to the north right-of-way line of U.S. #30 and #33; thence on a line projected northwesterly to the intersection of the east right-of-way line of Highview Drive and the north right-of-way line of U.S. #30 and #33; thence continuing northwesterly along the north right-of-way of U.S. #30 and #33

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to the east right-of-way of Huguenard Road; thence north along the east right-of-way line of Huguenard Road to the south right-of way of Washington Center Road the point of beginning. An area of approximately 195 acres.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of (3) three years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan was examined, approved and adopted by the Common Council prior to the passage of this Ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 29 of Article II of the Code of the City of Fort Wayne, Indiana 1974.

SECTION 5. After its passage, approval by the Mayor and sixty days after final publication thereof as required by law, this Ordinance shall be in full force and effect on December 31, 1979.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 9-25-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-06-79 on the 25th day of September, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-08-37

RESOLUTION NO. R-54-79

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of HIGHVIEW

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance (Bill No. X'-77-07-45) for the

annexation of the HIGHVIEW annexation area, more specifically described, to-wit:

Commencing at the intersection of the east right-of-way line of Huguenard Road and south right-of-way line of Washington Center Road; thence east along south rightofway line of Washington Center Road to the northeast corner of Lot #29 Highview Park Addition as recorded in Plat Book 16, Page 9, in the office of the Recorder of Allen County, Indiana; thence south along east line of said Highview Addition to its intersection with the southeast corner of Lot #7 in said Highview Addition, this line being the present Corporate Limit; thence east along a line parallel to centerline of Washington Center Road to the intersection of the northerly rightofway of Interstate #69; thence northeasterly along the north right-of-way of Interstate #69 to the east right-of-way of Hatfield Road; thence south along the east right-of-way line of Hatfield Road to the north right-ofway line of Burban Street; thence east along north rightofway line of Burban Street to the west rightofway line of PennCentral R.R.; thence south along west rightofway line of PennCentral R.R. to the south rightofway line of Arthur Street; thence west along south rightofway line of Arthur Street to the east rightofway line of Hatfield Road; thence south on the east rightofway line of Hatfield Road to the north rightofway line of U.S. #30 and #33; thence on a line projected northwesterly to the intersection of the east rightofway line of Highview Drive and the north rightofway line of U.S. #30 and #33; thence continuing northwesterly along the north rightofway of U. S. #30 and #33 to the east rightof way of Huguenard Road; thence north along the east rightofway line of Huguenard Road to the south rightofway of Washington Center Road to the point of beginning. An area approximately 195 acres.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the HIGHVIEW annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. with regard to the provision of noncapital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the noncapital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided with three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Highview annexation ordinance.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-54-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

RESOLUTION NO. R-55-79

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of
Concordia Gardens

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas, and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and

WHEREAS, the Common Council has before it an ordinance (Bill No. X-77-06-27) for the annexation of the Concordia Gardens annexation area, more specifically described, to-wit:

Commencing at the intersection of the east rightofway line of Red Haw Drive and the west right-of-way line of No. Clinton Street (Leo Road); thence northeast along the west rightofway line of N. Clinton Street (Leo Road) to a line projected west from the north property line of Concordia Senior College; thence east along said projected line and continuing along north property line of Concordia Senior College and a line projected east to the normal centerline of the St. Joseph River, this line being the present Corporate Limits; thence in a northerly direction following the meanderings of the centerline of the St. Joseph River to its intersection with a projection east of the north line of Concordia Gardens Addition; thence west along said projection and the north line of Concordia Gardens Addition to the east right-of-way line of Leo Road; thence southerly along the east right-of-way line of Leo Road to the south right-of-way line of Auburn Road; thence northwesterly along south right-of-way of Auburn Road to east right-of-way line of Interstate Highway 69; thence southwesterly along east right-of-way line of Interstate Highway 69 to its intersection with the present Corporate Limits, a point approximately 1937.5 feet north of the south line of the NE 1/4 of Section 13, T 31 N, R 12 E; thence east along said line to the east right-of-way line of Red Haw Drive; thence south along east right-of-way line of Red Haw Drive to the intersection of the west right-of-way line of N. Clinton Street (Leo Road) the point of beginning. An area of approximately 255 acres more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Concordia Gardens annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. with regard to the provision of noncapital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employess of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Concordia Gardens annexation ordinance.

James S. Stier
Councilman

BILL NO. R-79-09-27

RESOLUTION NO. R-56-79

A RESOLUTION of the Common Council
of the City of Fort Wayne to amend
a scrivener's error in Resolution
No. R-48-79 which sets forth the
policy of the City in regard to
newly annexed areas

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and

WHEREAS, the City of Fort Wayne is desirous of following the annexation requirements of Indiana annexation law;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That written fiscal plans shall be developed for providing municipal services to territories to be annexed to the City.

SECTION 2. That it is the policy of the City of Fort Wayne to provide services to annexation areas in a manner consistent with said plans.

SECTION 3. That each fiscal plan shall include cost estimates of planned services to be furnished to the territory to be annexed.

SECTION 4. That each fiscal plan shall state the method or methods of financing the planned services.

SECTION 5. That each fiscal plan shall describe a plan for the organization and extension of services to the annexation area.

SECTION 6. It is the policy of the City that it will begin providing police and fire protection, emergency medical service, solid waste collection, traffic engineering, street and road maintenance and other noncapital services of the City that are normally provided within its corporate limits, immediately upon annexation. It is also the policy of the City that within one (1) year from the effective date of annexation these services will be provided to the newly annexed area in a manner which is equivalent in standard and scope to those noncapital services normally provided to areas within the City which have similar topography, patterns of land utilization, and population density.

SECTION 7. It is the policy of the City that services of a capital improvement nature, such as street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years of the annexation, in the same manner as those services are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 8. That each fiscal plan will include a plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation.

SECTION 9. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 9-25-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-56-79 on the 25th day of September, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of September, 1979, at the hour of 4:30 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-13

SPECIAL ORDINANCE NO. S- 173-79

AN ORDINANCE approving Civil City
Purchase Order No. 4-06937 with Seastrom,
Inc. for Leaf Receiver Boxes for the
Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-06937, dated September 12, 1979, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Seastrom, Inc., for the purchase of ten Leaf Receiver Boxes to be used with the Leaf Sweepers by the Street Department, at a cost of \$11,500.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-173-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-14

SPECIAL ORDINANCE NO. S-174-79

AN ORDINANCE approving a Consultant Retainer
Agreement between Jerry L. Stucky, M.D.
and the City of Fort Wayne by and through its
Mayor and Board of Public Safety for Medical
Director of Emergency Medical Services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That a Consultant Retainer Agreement, dated June 1, 1979, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety and Jerry L. Stucky, M.D., for retainment of Dr. Stucky as Medical Director of the Emergency Medical Services of the City all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmdit, Stier, Talarico
Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-174-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS, SERIES 1979
(REAL ESTATE DEVELOPMENT, LTD. PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has been duly created by the City of Fort Wayne, Indiana, and the members of the Commission have been duly appointed and qualified pursuant to law, and

WHEREAS, the Fort Wayne Economic Development Commission has prepared and filed with the City Plan Commission its report entitled "Report of Fort Wayne Economic Development Commission Regarding Facilities to be Constructed for Real Estate Development, Ltd.", and

WHEREAS, the City Plan Commission has filed its written comments concerning the proposed economic development facilities and approving the same; and

WHEREAS, the Fort Wayne Economic Development Commission, after a public hearing conducted on September 18, 1979, adopted a Resolution on the same date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities (the "Project") of Real Estate Development, Ltd. complies with the purposes and provision of I.C. 1971, 18-6-4.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this Common Council the Loan Agreement between the City of Fort Wayne and the Company (the "Agreement"), Mortgage and Security Agreement from the Company to the City of Fort Wayne (the "Mortgage"), an Assignment of such Mortgage (the "Assignment") from the City of Fort Wayne to Indiana Bank and Trust Company (the "Trustee") and a Trust Indenture between the City of Fort Wayne and the Trustee (the "Indenture"), now, therefore,

BE IT ORDAINED by the Common Council of the City of Fort Wayne Indiana, that:

Section 1. It is hereby found and determined that the financing of the economic development facilities constituting the Project and referred to in the Loan Agreement approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of \$1,500,000 Economic Development Revenue Bond of the City of Fort Wayne, the use of the net proceeds thereof for the construction and equipment of such facilities, the payment of principal of, premium, if any, and interest on such bond from rental payments pursuant to the Agreement, and the securing of said bond by the mortgaging of the Project to the Trustee pursuant to the Mortgage and the Assignment, all as previously approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, will be of benefit to the health and welfare of the City of Fort Wayne and its citizens and complies with the purposes and provisions of the Act.

Section 2. The forms of the Agreement, the Mortgage, the Assignment and the Indenture approved by the City of Fort Wayne Economic Development Commission are hereby approved. Such documents collectively shall be considered the "Financing Agreement" referred to in the Act. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

Section 3. The City of Fort Wayne hereby determines that an economic development revenue bond shall be issued pursuant to the Act in the principal amount of \$1,500,000 for the aforesaid purpose. Such bond shall be designated "City of Fort Wayne Economic Development Revenue Bond (Real Estate Development, Ltd. Project)" (the "Bond"), and shall be issued for the purpose of procuring funds to make a loan to Real Estate Development, Ltd. who shall use such proceeds to pay the costs of construction and equipment of the economic development facilities constituting the Project, as more particularly set out in the Indenture and Agreement incorporated herein by reference, which Bond shall be issued in the form and denomination and shall be executed, dated, be subject to redemption on the dates and at the prices as provided in the above described Indenture, and more particularly as provided in the form of Bond appearing in such Indenture, which form is specifically approved. The Bond will be payable as to principal, premium, if any, and interest from the loan payments made by Real Estate Development, Ltd. under the Agreement and from other revenues and income realized under the Agreement, or as otherwise provided in the above described Indenture. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and the City Clerk are authorized and directed to sell the Bond

to the Trustee, as the original purchaser thereof at a rate of interest not to exceed 83/4% per annum and at a price of 100% of the principal amount thereof. The Bond shall be scheduled to mature in monthly installments over a period of twenty years, as more specifically set forth in the Bond. Payments of principal of, premium, if any, and interest on the Bond shall be made in the manner and on the dates prescribed in the bond and in the Agreement.

Section 5. The Mayor and the City Clerk be and they are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City of Fort Wayne and any other document which may be necessary or desirable to consummate the transaction including, without implied limitation, the Bond authorized herein and financing statements to be utilized in connection with the perfection of security agreements. The forms of the documents constituting the Financing Agreement shall be subject to such changes as are not inconsistent with this Ordinance and as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution of such documents by the Mayor and/or the City Clerk. The signatures of the Mayor and the City Clerk on the Bond and coupons, if any, may be facsimile signatures. The City Clerk is authorized to arrange for delivery of the Bond to the Trustee against payment therefor by such Trustee.

Section 6. At the time of issuance, delivery and payment for the Bond, the Bond Fund Payment (as defined in the Indenture) shall be deposited from the purchase price for the Bond into the Bond Fund (as hereinafter defined).

There is hereby created by the City of Fort Wayne and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to designated "City of Fort Wayne Real Estate Development, Ltd. Construction Fund" (herein called the Construction Fund"). After deducting the Bond Fund Payment required by the proceeding paragraph to be paid otherwise than to the Construction Fund, the balance of the proceeds of the Bond shall be deposited in the Construction fund as the Loan to the Company provided for in the Agreement. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement. The City of Fort Wayne covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the Trustee as the original purchaser of the Bond, but only to the extent of its interest herein.

Section 7. As provided in the Agreement, payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the City of Fort Wayne and deposited in the Bond Fund. Under the provisions of the Agreement, payments with respect to the promissory note delivered by the Company to the City of Fort Wayne and assigned to the Trustee (the "Note") shall be deposited into the Bond Fund for the account of the City of Fort Wayne and shall constitute Loan Payments. Rentals paid by the Prime Lessee and other lessees are to be paid directly to the Trustee and, to the extent necessary, shall be deposited in the Bond Fund, constituting a credit to the Company against Loan Payments to be made by it.

There is hereby created by the City of Fort Wayne and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Real Estate Development, Ltd. Revenue Bond Fund" (herein called the "Bond Fund"). The Bond Fund (and accounts therein provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, all as provided herein and in the Indenture and the Agreement, provided that no part thereof (other than any amounts paid as and for any mandatory sinking fund requirements, and except as may otherwise be provided for herein and in the Indenture or the Agreement) shall be used to redeem, prior to maturity, and Bonds.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Agreement, to appropriate accounts therein), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Indenture or the Agreement to be deposited in the Construction Fund or any other separate insurance or condemnation proceeds account.

The City of Fort Wayne hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond service charges as the same become due and payable, and to this end the City of Fort Wayne covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the City of Fort Wayne shall fully cooperate with the Trustee to protect fully the rights and security of the Bondholders hereunder.

Nothing herein shall be construed as requiring the City of Fort Wayne to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The City of Fort Wayne covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 8. At the request of the Company and with the written consent of the Trustee, if the Company is not then in default under the Agreement, the City of Fort Wayne, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act (as defined in the Indenture), shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for: (i) completion of the Project, including additional costs incurred in providing the Project, or (ii) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (iii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the site of the Project, or to be used in connection with other facilities located within the boundaries of the City of Fort Wayne which are owned in whole or in part by the Company, or any combination thereof, or (iv) refunding the Bond or any one or more series of Additional Bonds, or (b) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall, except to the extent issued for the purpose described in clause (iv), be used solely to pay permissible costs under the Act. Such Additional Bonds shall be on a parity with the Bond and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then to be outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds.

Section 9. The City of Fort Wayne will restrict the use of the proceeds of the Bond in such manner and to such extent, if any as may be necessary, after taking into account reasonable expectation at the time the Bond are delivered to the Trustee, so that it will not constitute an "arbitrage bond" under Section 103(c) of the Internal Revenue Code of 1954, as amended. The Mayor or any other officer having responsibility with respect to the issuance of the Bond, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer employee, consultant or agent of the Common Council of the City of Fort Wayne, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the City of Fort Wayne, for inclusion in the transcript of proceedings for the Bond, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c).

Section 10. The City of Fort Wayne hereby elects, with respect to the Bond, to be within the limitations imposed by the provisions of Section 103(b) (6) (D) of the Code and the Mayor or Clerk of the City of Fort Wayne is hereby authorized and directed to perform any and all acts provide such information as may be required by the Secretary of the Treasury, his delegate or the Internal Revenue Service in order to implement such election, and any and all acts hereto fore taken pertaining to such election and relating to such requirements are hereby ratified and confirmed.

Section 11. The provisions of this Ordinance, the Agreement and the Indenture securing the Bond shall constitute a contract between the City of Fort Wayne and the Trustee, and after the issuance of the Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such Trustee so long as any portion of the Bond or the interest thereon remains unpaid.

Section 12. The actions of the Mayor or any other officer of the City in doing any and all acts necessary in connection with the construction and equipping of the Project and the issuance of the Bond are hereby ratified and confirmed.

Section 13. The proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary in connection with the construction and equipping of the Project and the issuance of the Bond.

Section 14. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 15. It is hereby found and determined that all official actions of this Common Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Common Council, and that resulted in such official action were taken in meetings open to the public in full compliance with applicable legal requirements, including I.C. 5-14-1.57.

Section 16. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-175-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-04

RESOLUTION NO. R-59-79

A RESOLUTION authorizing payment to Allen County Motors, Inc. for repair of police vehicle No. 14 and to Sand B. Auto Parts for purchase of a replacement for a stolen generator

WHEREAS, Police Department vehicle No. 14, a 1978 Ford Sedan, bearing License Plate No. M011114, was damaged in an accident, and insurance money in the amount of \$1,793.86 in reimbursement for such damages has been received and receipted by the City Controller, and

WHEREAS, a Street Department power generator was stolen from the garage, and insurance money in the amount of \$557.00 for replacement of said generator has been received and receipted by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to make the following payments:

(1) To Allen County Motors, Inc., the sum of \$1,793.86 for repair to Police vehicle No. 14

(2) To Sand B. Auto Parts, the sum of \$557.00 for the purchase of a power generator to replace the one stolen from said Street Department garage.

SECTION 2. That this Resolution shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Nays: None

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-59-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-09-03

RESOLUTION NO. R-58-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, The Classic Company, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for the distribution of bowling supplies, trophies and lettering, located in Allen County, Oakbrook Park, Southwest end of Racquet Drive on approximately 4.71 acres (the "Project"); and

WHEREAS, the Classic Company, Inc. will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 25-30 job opportunities with an estimated annual payroll of \$250,000-\$300,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$800,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-58-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-05

RESOLUTION NO. R-60-79

A RESOLUTION authorizing an appeal from
the budget and tax rates and levies fixed by
Allen County Tax Adjustment Board

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in a manner contrary to the laws of the State of Indiana and in such way as to render it impossible to carry out the governmental functions and responsibilities committed to it by law.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the appropriate officers of said City are authorized and directed to take all steps necessary to present an appeal from the budget and tax rates and levies fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies not exceeding the 1980 limit.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-60-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-16 (as amended)

RESOLUTION NO. R-63-79

A RESOLUTION IN SUPPORT OF PETITION
TO AMEND RULES GOVERNING TERMINATION
OF SERVICE BY GAS AND ELECTRIC
UTILITIES SUBJECT TO PUBLIC SERVICE
COMMISSION OF INDIANA JURISDICTION
AND TO AMEND OTHER RELATED RULES
GOVERNING SUCH ISSUES AS NOTICE TO
CUSTOMERS OF TERMINATION RIGHTS AND
OF APPEAL RIGHTS AND TO PROVIDE FOR
THE PERIOD PERSONS HAVE TO PAY THEIR
UTILITY BILLS BEFORE SUCH BILLS BECOME
DELINQUENT

WHEREAS, Citizens Action Coalition along with one hundred fifteen (115) other organizations throughout the State and other Common Councils have supported a Petition to the Public Service Commission of Indiana regarding changes in rules by said Public Service Commission of Indiana governing the termination of service by gas and electric utilities subject to Commission jurisdiction, and,

WHEREAS, said above mentioned organizations also seek by Petition to amend other related rules governing such issues as notice to customers of termination rights, of appeal rights, and the periods persons have to pay their utility bills before such bills become delinquent; and,

WHEREAS, the public interest requires the protection of the following proposed rule changes and addition to rules will provide, particularly during the coldest months or days of the year during which time service terminations are particularly dangerous to health, particularly to the elderly and the handicapped; and,

WHEREAS, the Public Utility Regulatory Practices Act of 1978 gives clear direction to the Public Service Commission of Indiana on termination policy and the terms of the Act require that the Public Service Commission hold full hearings on questions of service terminations and information that is provided to utility customers in order to determine what needs there are in these matters that are not being adequately met by existing rules and regulations.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

Said petitioners request that a rule making procedure be initiated in the above matter, that full public hearings be held in Indianapolis or other locations in the State that the Public Service Commission may consider to be appropriate, in order to ascertain the need for changes in electric and gas utility rules and further that the Commission incorporate the following proposals into the official rules and regulations of the Commission:

- A. Because most elderly and handicapped persons and others on various forms of Public Assistance, receive their checks monthly, the Commission should increase from 17 to 30 the number of days from the time a bill is mailed until the time it becomes delinquent, and should increase from 7 to 15 the number of days from the time that a notice of delinquency is mailed until the time that a disconnection can be made.
- B. Disconnections of residential gas and electric customers should be prohibited on days when the temperature drops below freezing (32 F.) or during days when the average temperature for the proceeding 7 days has been below freezing.
- C. Utilities should be required to send separate notices to delinquent customers, in a standard form prescribed by the Commission, which notify them of impending disconnection in simple, easily understood language, which include an explicit explanation in common language of customers rights for medical and financial hardship delays of disconnection and of a customer's appeal rights, and which notify customers of appropriate social service or assistance agencies to whom they can apply for energy assistance funds.
- D. The person designated by the utility to perform the disconnection should make every attempt to make personal contact with the consumer prior to disconnection and may be authorized to accept payment of delinquent accounts as an alternative to disconnection.

That the Public Service Commission of Indiana:

(1) Amend its rules regarding termination of service by electric and gas utilities to reflect the proposals made in this petition, forthwith.

(2) Hold Public Hearings in Indianapolis and such other cities as the Commission deems appropriate to take evidence and testimony from utility consumers, utility representatives, and other interested parties relative to the subjects of the adequacy of the Commissions existing rules, the adequacy of existing utility practices pursuant to those rules, and the needs for possible changes, no later than three weeks after the appropriate notice period of this matter in the Indiana Register.

(3) Grant other such further relief as the Commission may deem just and proper.

Vivian G. Schmmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-63-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-08-19

ZONING MAP ORDINANCE NO. Z-24-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. M3, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Williams Woodland Park Block 1, Lots 1 22, as Amended
Williams Woodland Park Block 2, Lots 1 22, as Amended
Williams Woodland Park Block 3, Lots 12 22, as Amended
William Addition, Lots 214 230

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-24-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-08-46

ZONING MAP ORDINANCE NO. Z-25-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. Q10, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lots #51, #52, #53, #54, and Lots #191, #192, #193,
#194, #196, #196, #197, #198, #199, #200, #201, #202,
White Oak Park, Adams Township.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-25-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-08-44

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 027, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Part of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing on the North line of said Quarter Section at a point situated 305 feet West of the Northeast corner of the West Half of said Quarter Section; thence South 154.4 feet to a point which is 293.98 feet West of the East line of said Quarter Section, thence Southwestward a distance of 247.1 feet to a point on the centerline of the public highway known as the Decatur Road; thence Northwestwardly along the centerline of the Decatur Road to the North line of said Quarter Section; thence East along said North line to the place of beginning.

Part of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest 1/4; thence South along the East line of said Quarter Section a distance of 610 feet; thence Southwesterly a distance of 286.3 feet to the centerline of the public highway known as the Decatur Road; thence Northwesterly along the centerline of said Decatur Road a distance of 600 feet; thence Northeastward a distance of 247.1 feet to a point situated 154.4 feet South of the North line of said tract and 293.8 feet West of the East line thereof; thence North 154.4 feet to the North line of said Quarter Section; thence East along said North line to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. G-79-07-31

GENERAL ORDINANCE NO. G-22-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain alley west of Dubois Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

An existing alley 18 feet in width and 133 feet in length, located west of DuBois Street, south of Pennsylvania Street and east of the alleyway between Wabash Avenue and DuBois

Street in the City of Fort Wayne, Indiana, as opened by Dedication dated April 5, 1932 recorded July 23, 1934 in Miscellaneous Record 90, page 385 which said alley is more particularly described as follows, to-wit:

Commencing at a point 18 feet south of the northeast corner of Lot No. 42 in Whites Second Addition, thence north 18 feet to the northeast corner thereof, thence west along the north lot line of said Lot No. 42, a distance of 133 feet to the northwest corner thereof, thence south a distance of 18 feet, thence east along a line parallel to the north lot line of said Lot No. 42 to the place of beginning, being on the north 18 feet of what has formerly been Lot No. 42 in Whites Second addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-22-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-18

SPECIAL ORDINANCE NO. S-176-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5850-79,
between the City of Fort Wayne, Indiana
and Dailey Asphalt Projects Co., Inc.,
Clinton, Calhoun, Spy Run Ext.
and Wayne Streets

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Asphalt Products Company, Inc., Contractor, for:

resurfacing Clinton Street from the northwest property line of Parkhill Avenue to the south curb line of Coliseum Blvd; Calhoun Street from the north curb line of Superior Street to the west curb line of Clinton Street; Spy Run Extended from the east property line of Clinton Street to the west property line of Parnell Avenue; and Wayne Street from the east curb line of Calhoun Street to the west curb line of Lafayette Street,

under Board of Works Street Improvement Resolution No. 585079, at a total cost of \$241,838.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols, and duly adopted placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-176-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-19

SPECIAL ORDINANCE NO. S-177-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5849-79, between the City of Fort Wayne, Indiana, and Dailey Asphalt Products Company, Inc., for Oxford Street, Main Street and Bluffton Road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Asphalt Products Company, Inc., Contractor, for:

resurfacing and restoring pavement on Oxford Street, from the east pavement line of Hessen Cassel to the east pavement line of Bueter Drive; Main Street, from the east property line of Van Buren Street to the east property line of Edgerton Street; and Bluffton Road, from the south pavement line of Engle Road to the southwest pavement line of Old Trail Road,

under Board of Public Works Street Improvement Resolution NO. 5849-79, at a total cost of \$319,634.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. 177-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-20

SPECIAL ORDINANCE NO. S-178-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5848-79, between the City of Fort Wayne,
Indiana and Fen-Guard, Inc., for
Industrial Road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Fen-Guard, Inc., Contractor, for:

installation of a Guardrail in the 5700 Block of
Industrial Road,

under Board of Public Works Street Improvement Resolution No. 5848--79, at a total cost of \$16,582.50, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-178-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-21

SPECIAL ORDINANCE NO. S-179-79

AN ORDINANCE approving a contract for
Sidewalk Improvement Resolution No.
5842-79, between the City of Fort Wayne,
Indiana and L.W. Dailey, Inc., for Edgehill
Avenue, Westbrook Drive and Jacobs Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and L.S. Dailey, Inc., Contractor, for:

construction of sidewalks, curbs and drive approaches
along Edgehill Avenue, Westbrook Drive and Jacobs
Avenue, more specifically identified as Lots 158
through Lot 189 in Brookview Addition,

under Board of Public Works Sidewalk Improvement Resolution No. 5842-79, at a total cost of \$44,940.00, of which will be paid by property owners under Barrett Law, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-179-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-22

SPECIAL ORDINANCE NO. S-180-79

AN ORDINANCE approving Change Order
No. 1, Street Lighting Resolution No.
125-77 in connection with Central Business
District

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Street Lighting Resolution No. 12577, to T & F Construction Corporation, in connection with the Central Business District Project, E.D.A. 06-51-26289, for:

additional street lighting and signalizations on Washington, Jefferson and Wayne Streets since bid was such that total Federal Grant permitted additional lighting for above-described area,

in the amount of \$115,075.43, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-180-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock
A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-23

SPECIAL ORDINANCE NO. S-181-79

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 307-79,
between the City of Fort Wayne, Indiana
and T-G Excavating, Inc., Contractor for
Ranchwood Subdivision, Phase 1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T-G Excavating, Inc., Contractor, for installation of the following:

MAIN LINE

Beginning at an existing manhole located 10 + L.F. South of the Northeast corner of lot 4 in Gerke's Tier Road Addition as recorded in Plat Book 8, page 157; thence East 275 + L.F. to a proposed manhole; thence North 410 + L.F. to a proposed manhole; thence East 630 + L.F. along the South right-of-way line of South Drive to a proposed manhole; thence East 610 + L.F. terminating at a proposed manhole located 10 + L.F. East of the Northeast corner of lot 93 in Greendale Addition, Section B as recorded in Plat Book 21, page 128.

LATERAL #1

Beginning at a proposed manhole located 7 + L.F. East of and 7 + L.F. South of the Northwest corner of lot 57 in Greendale Addition as recorded in Plat Book 21, page 112; thence North 1120 + L.F. along vacated Bueter Road to a proposed manhole; then East 1200 + L.F. along the North right-of-way line of North Drive terminating at a proposed manhole located 10 + L.F. East of the Southwest corner of lot 81 in Greendale Addition, Section B, as recorded in Plat Book 21, page 128.

LATERAL #2

Beginning at a proposed manhole located 30 + L.F. East of and 7 + L.F. South of the Northwest corner of lot 53 in Greendale Addition as recorded in Plat Book 21, page 112; thence North 970 + L.F. along the centerline of an existing utility easement terminating at a proposed manhole located 10 + L.F. north of the Southwest corner of lot 42 in Greendale Addition as recorded by Plat Book 21, page 112.

LATERAL #3

Beginning at a proposed manhole located on the Southeast corner of lot 3 in Greendale Addition as recorded by Plat Book 21, page 112; thence North 1010 + L.F. along the centerline of an existing utility easement terminating at a proposed manhole located 10 + L.F. North of the Southeast corner of lot 13 in said Greendale Addition.

LATERAL #3-A

Beginning at a proposed manhole located on the Southeast corner of lot 3 in Greendale Addition as recorded by Plat Book 21, page 112; thence South 412 + L.F. along an existing utility easement terminating at a proposed manhole located on the Southwest corner of lot 63 in Greendale Addition, Section B, as recorded by Plat Book 21, page 128.

LATERAL #3-B

Beginning at the above described terminus manhole of lateral 3-A; thence West 65 \pm L.F. along the centerline of an existing utility easement terminating at a proposed cleanout.

LATERAL #3-C

Beginning at the above described terminus manhole of lateral 3-A; thence East 65 \pm L.F. along the centerline of an existing utility easement terminating at a proposed cleanout.

LATERAL #4

Beginning at a proposed manhole located 10 \pm L.F. East of the Northeast corner of lot 93 in Greendale Addition, Section B, as recorded in Plat Book 21, page 128; thence, North 1010 \pm L.F. along the West right-of-way line of Ellwood Drive terminating at a proposed manhole located 10 \pm L.F. East of and 10 \pm L.F. North of the Southeast corner of lot 82 in said Greendale Addition Section B.

LATERAL #4-A

Beginning at the same proposed manhole as lateral 4; thence South 330 \pm L.F. along the West right-of-way line of Ellwood Drive terminating at a proposed manhole located 10 \pm L.F. South of the Southeast corner of lot 95 in Greendale Addition, Section B, as recorded by Plat Book 21, page 128.

Said sewer shall be 10" and 8" in diameter.

under Board of Public Works Sewer Improvement Resolution No. 30779, at a total cost of \$299,904.25, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-181-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-24

SPECIAL ORDINANCE NO. S-182-79

AN ORDINANCE approving an Agreement
with Northwest Allen County Schools for
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 12, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Northwest Allen County Schools, Developer, for:

SANITARY SEWER

Beginning at existing manhole #83 of Res. #273, of the St. Joe Sanitary Interceptor, located 30.5 + L.F. South of the centerline of Carroll Road and 580 + L.F. East of the centerline of the G.R. & I. Railroad, thence North 30° 00' West 77 + L.F. to proposed manhole #1 located 35 + L.F. North of the centerline of Carroll Road, thence West along a line parallel with Carroll Road a distance of 4431 + L.F. and terminating at proposed manhole #13 located 35 + L.F. North of and 25 + L.F. East of the centerline intersection of Carroll Road and Bethel Road.

of which the developer shall pay the entire cost and expense of the construction of said sewer except for \$96,571.00 from City Utilities for oversizing differential, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-182-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-25

SPECIAL ORDINANCE NO. S-183-79

AN ORDINANCE approving an Agreement
with A.D. Delagrang Construction, Inc.,
for construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 10, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and A. D. Delagrang Construction, Inc., Developer, for:

SANITARY SEWER

Orchard Woods, Section B

MARKWOOD-TANGERINE LANE

Beginning at an existing manhole located at the northeast corner of Springbrook Road and Markwood Road; thence northerly along the east side of Markwood Road a distance of 315 + feet to a proposed manhole; thence westerly in and along Tangerine Lane 165 + feet to a proposed manhole; thence northerly in and along the east side of Tangerine Lane 385 + feet; terminating at a proposed manhole located at the southwest corner of Lot 87, Orchard Woods, Section B.

LATERAL "A"

Beginning at Manhole #1 located on the aforescribed sewer on the north side of Apricot Court and in the southwest corner of Lot 80 in Orchard Woods, Section B; thence easterly along the north side of Apricot Court a distance of 245 + feet, terminating at a proposed clean-out at the southwest corner of Lot 76 in Orchard Woods, Section B.

LATERAL "B"

Beginning at a proposed manhole on the aforescribed Lateral "A" located at the southeast corner of Lot 79 in Orchard Woods, Section B; thence north in and along a proposed easement between Lots 78 and 79, a distance of 150 + feet, terminating at a proposed clean-out located at the northeast corner of said Lot 79.

LATERAL "C"

Beginning at manhole #2 located on the aforescribed Tangerine Lane sewer located on the east side of Tangerine Lane; thence westerly in and along an easement between lots 67 and 68 and the westerly extension thereof across Lot 6, Clearview Addition a distance of 400 + feet to a proposed manhole; thence northwesterly in and along a proposed easement across a portion of Lot 5 in Clearview Addition a distance of 180 + feet terminating at a proposed manhole.

Said sewer shall be eight (8) inches in diameter.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Burns
and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-183-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-26

SPECIAL ORDINANCE NO. S-184-79

AN ORDINANCE approving City Utilities
Purchasing Order No. 001350 with IBM
Corporation for Information Processing
System for the Water Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 001350, dated September 5, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and IBM Corporation for:

One IBM 6/440 Information Processing System for
the Water Engineering Department,

at a cost of \$16,395.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-84-79 on the 9th day of October, 1979

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-09-15

RESOLUTION NO. R-57-79

A RESOLUTION authorizing payment of medical expenses of Keith Daniel Murray, former policeman of the City of Fort Wayne, injured in the line of duty on July 18, 1975

WHEREAS, Keith Daniel Murray was injured in the line of duty the 18th day of July, 1975, while employed by the City of Fort Wayne as a policeman; and

WHEREAS, his injury in the line of duty was acknowledged by a letter written by the Chief of Police of the City of Fort Wayne the 11th day of May, 1977, a copy of which letter is attached to this Resolution; and

WHEREAS, Keith Daniel Murray was placed on disability retirement status on the 18th day of June, 1977; and

WHEREAS, Indiana Code 19-1-13-1 directs any city which maintains a police department to pay for the care of any policeman who suffers an injury while performing his duty, and to provide for such policeman's medical and surgical care, medicines, laboratory, curative and palliative agents and means, and Xray, diagnostic and therapeutic service, during the recovery of any such policeman from any injury; and provide hospital and special nursing care for any policeman if the physician or surgeon in charge deems such hospital care and a special nurse necessary, and for the best interest in the aid of the recovery of any such policeman, and

WHEREAS, Indiana Code 19-1-13-2 states any city maintaining a paid police department pay for the medical expenses as set out aforesaid for any policeman injured in the line of duty from the general fund; and

WHEREAS, on the 18th day of July, 1975, and at all times since that date the City of Fort Wayne has maintained a paid police department, and, therefore, governed by the mandates of Indiana Code 19-1-13-1 and 19-1-13-2; and

WHEREAS, the medical insurance in force the 18th day of July, 1975, carried by the City of Fort Wayne, did not pay for all of the medical, pharmaceutical, and hospital expenses incurred by Keith Daniel Murray as a result of his injury the 18th day of July, 1975; and

WHEREAS, as a result of his injuries sustained the 18th day of July, 1975, Keith Daniel Murray is fully disabled and unable to obtain gainful employment and medical insurance; and

WHEREAS, Keith Daniel Murray, in addition to the unpaid medical expenses not otherwise paid by the medical insurance carrier by the City of Fort Wayne, has need for continued medication, doctor's expenses, and immediate need for further hospitalization and surgery; and

WHEREAS, more than one year last past request was made of the Honorable Robert Armstrong to follow the mandates of Indiana Code 19-1-13-1 and 19-1-13-2, without an affirmative reply from either the Mayor or the Legal Department of the City of Fort Wayne; and

WHEREAS, on the 11th day of September, 1979, a letter was delivered to the office of the Mayor requesting written acknowledgement of the obligations of the City of Fort Wayne to pay the medical expenses of Keith Daniel Murray, and further advising the Mayor the intention to introduce a Resolution of this nature, and further informing the Mayor on behalf of Keith Daniel Murray, by his attorney, of his intention to file legal action to enforce the claim of Keith Daniel

Murray for payment of his medical expenses, and the Mayor did not reply affirmatively; and

WHEREAS, the legal obligations proposed by the aforesaid statutes as well as the strong moral obligations to Keith Daniel Murray, clearly dictate that his medical care be paid by the City of Fort Wayne.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to pay out of the General Fund of the City of Fort Wayne all expenses for medical, medical care, surgical care, medicines, laboratory expenses, X-ray expenses, diagnostic expenses, therapeutic services, pharmaceuticals and drugs, hospital expenses, physician expenses and nursing expenses incurred by Keith Daniel Murray as a result of his injuries sustained in the line of duty the 18th day of July, 1975, which said expenses have not been paid by any medical or hospitalization insurance carried by the City of Fort Wayne the 18th day of July, 1975, which insurance Keith Daniel Murray was a beneficiary.

SECTION 2. That the Controller of the City of Fort Wayne be and is hereby authorized to pay for all future expenses for medical, medical care, surgical care, medicines, laboratory expenses, X-ray expenses, diagnostic expenses, therapeutic services, pharmaceuticals and drugs, hospital expenses, physician expenses and nursing expenses incurred by Keith Daniel Murray as a result of his injuries sustained in the line of duty the 18th day of July, 1975.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Abstained: One
Nuckols

Date: 10-9-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-57-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of October, 1979, at the hour of 9:15 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-15

RESOLUTION NO. R-62-79

A RESOLUTION giving the consent of the Common Council of the City of Fort Wayne to the proposed transfer of working control of Fort Wayne Cablevision from Cox Broadcasting Corporation to General Electric Company for the purpose of maintaining Fort Wayne Cablevision as franchisee under the provisions of General Ordinance No. G-27-77

WHEREAS, Citizens Cable of Fort Wayne, Inc. d/b/a Fort Wayne Cablevision is a franchisee operating pursuant to provisions of General Ordinance No. G27-77; and

WHEREAS, Cox Broadcasting Corporation now owns the controlling stock interest (working control) in Fort Wayne Cablevision; and

WHEREAS, in a proposed transaction such working control would be transferred by Cox Broadcasting Corporation to General Electric Company, which transfer, by the terms of Section III (E) (2) of said Ordinance, requires consent of the Common Council of the City of Fort Wayne; and

WHEREAS, the proposed transfer will involve only a change in the entity having ultimate control of the franchise; and

WHEREAS, such transfer will not result in any change in the franchise itself nor in the management or operation of the cable television system in the City of Fort Wayne; and

WHEREAS, the Council deems General Electric Company more than qualified to assume working control of Fort Wayne Cablevision;

NOW, THEREFORE, BE IT RESOVED THAT:

1. The Common Council finds the goal of high-quality, area-wide cable television service will be best furthered by continuing Fort Wayne Cablevision as franchisee under General Ordinance No. G-27-77.

2. The Common Council finds the continuance of Fort Wayne Cablevision as franchisee under General Ordinance No. G27-77 requires the consent of the Common Council to the proposed transfer of working control of Fort Wayne Cablevision from Cox Broadcasting Corporation to General Electric.

3. The Common Council finds it is in the best interests of the affected members of the community to consent to such transfer and consent is hereby given to the proposed transfer of Cox Broadcasting Corporation of its interest in Citizens Cable of Fort Wayne, Inc. d/b/a Fort Wayne Cablevision to General Electric Company.

4. It is expressly understood that this consent does not permit Fort Wayne Cablevision to engage in the sale, servicing or repair of television receivers.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-62-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day

of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-06-33 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-07-79

AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including
the same in Councilmanic District No. 4
effective February 1, 1980

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same, is hereby annexed
to and made a part of the corporation of the City of Fort Wayne, Indiana, effective February 1, 1980.
towit:

Part of Sections 4 and 5, Township 30 North, Range 12
East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as
recorded in Plat Book 5, Page 6, and the north right
ofway of Illinois Rd; thence north on said west line
to the south rightofway line of the PennCentral
Railroad; thence southeasterly along said rightofway
to the north rightofway of Illinois Road; thence
west along the north rightofway to the point of
beginning; containing approximately 55 acres.

SECTION 2. Governmental and proprietary services of the City of Fort Wayne will
be provided to the above described area within a period of three (3) years of annexation in a manner
that is substantially equivalent in standard and scope to the governmental and proprietary services
furnished by the City to other areas of the City which have characteristics of topography, patterns of
land utilization and population density similar to said described territory.

SECTION 3. That procedures for providing governmental and proprietary services
to the above described area are outlined in the fiscal plan for the area developed by the Department
of Community Development and Planning, which plan is examined, approved and adopted by the
Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 4 of
the City of Fort Wayne, Indiana as described in Section 29 of Article II of the Code of the City
of Fort Wayne, Indiana, 1974.

SECTION 5. Ater its passage, approval by the Mayor, final publication and the required
sixty (60) day remonstrance period, this ordinance shall be in full force and effect on February 1, 1980 .

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly
adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: One

Nuckols

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-07-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-08-38

RESOLUTION NO. R-61-79

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of K-Mart
West

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and

WHEREAS, the Common Council has before it an ordinance (Bill No. X790633) for the annexation of the KMart West Annexation area, more specifically described, to wit:

Part of Sections 4 and 5, Township 30 North, Range 12
East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as recorded in Plat Book 5, Page 6, and the north rightofway of Illinois Road; thence north on said west line to the south rightofway of the PennCentral Railroad; thence southeasterly along said rightofway to the north rightofway of Illinois Road; thence west along the north rightofway line of Illinois Road to the point of beginning; containing approximately 55 acres.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the KMart West annexation it is the policy of the City of Fort Wayne to follow the provision of Common Council Resolution No. with regard to the provision of noncapital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services,

delineates the noncapital improvement services to be provided within one 1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the KMart West annexation ordinance, Bill No. X-79-06-23.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 10-9-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-61-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-34

SPECIAL ORDINANCE NO. S-185-79

AN ORDINANCE of the City of Fort Wayne, Indiana, amending Special Ordinance No. S-74-79, authorizing the issuance and sale of bonds of the City for the purpose of providing bonds to be applied on the cost of improving Baer Field and expenses incurred in connection therewith

WHEREAS, the Common Council of the City of Fort Wayne on May 22, 1979 has heretofore adopted Special Ordinance No. S-74-79 authorizing the issuance and sale of \$2,600,000 of the negotiable direct obligation bonds of the City to be designated as "Airport Improvement Bonds of 1979" to bear interest at a rate or rates not exceeding six and one-quarter per cent (6-1/4%) per annum maturing on January 1, 1982 in the amount of \$500,000 and thereafter on January 1 in the years 1983-2003 inclusive in the amount of \$100,000 annually; and

WHEREAS, said bonds were duly advertised for sale in accordance with the provisions of said Special Ordinance No. S-74-79 on October 16, 1979; and

WHEREAS, the City received no bids for said bonds at said sale as offered and advertised; and

WHEREAS, the Common Council has been advised by its financial consultant that said bonds were not saleable at the maximum interest rate or rates of six and one-quarter per cent (6-1/4%) fixed in Special Ordinance No. S-74-79 because of the recent precipitous rise in interest rates generally in the United States and because of the length of term of certain maturities of said bonds, now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Special Ordinance S-74-79 be amended and the Sections 2 and 4 of said

Ordinance be repealed and substituted therefor the following sections in said Ordinance:

Section 2. For the purpose of providing funds to be applied on said project, including the incidental expenses necessary to be incurred in connection therewith and the issuance of bonds on account thereof, the City shall make a loan in the amount of Two Million Six Hundred Thousand Dollars (\$2,600,000). In order to procure said loan, the City Controller is hereby authorized and directed to have prepared and to issue and sell the negotiable direct obligation bonds of the City, to be designated as "Airport Improvement Bonds of 1979", in the aggregate principal amount of Two Million Six Hundred Thousand Dollars (\$2,600,000), which bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000), shall be numbered consecutively from 1 upwards, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate or rates not exceeding seven and onehalf per cent (7-1/2%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable on January 1, 1980, and semi-annually thereafter, and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the Indiana Bank and Trust Company of Fort Wayne in the City of Fort Wayne, Indiana, in lawful money of the United States of America. The bonds shall mature serially on January 1 in the years and amounts as follows:

Years	Amounts
1982	\$500,000
1983-1991 inclusive	100,000
1992-1999 inclusive	150,000

Said bonds shall be executed in the name of the City of Fort Wayne by the facsimile signature of the Mayor of said City, countersigned by the facsimile signature of the City Controller, and attested by the manual signature of the City Clerk, who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller, and said official, by the execution of said bonds in the foregoing manner, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Said bonds shall, in the hands of bona fide holders, have all of the qualities of negotiable instruments.

Section 4. As soon as may be done after passage of this ordinance, the City Clerk shall give notice of the filing of the petition for and determination to issue bonds. Said notice shall be published once each week for two(2) weeks in the Fort Wayne NewsSentinel and the Fort Wayne Journal Gazette, and said notice shall also be posted in three (3) public places in the City, as provided by Indiana Code 6-1.1-20-4 and 6-1.1-20-5.

In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of Indiana Code 6-1.1-20-4 then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of Indiana Code 6-1.1-20-5, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity or maturities.

Section 2. This ordinance shall be in full force and effect immediately upon its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

: Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-185-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-20

RESOLUTION NO. R-64-79

A RESOLUTION authorizing payment to
various agencies for repair of various
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to wit:

<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1) Police Dept. unit No. 18, 1979 Chrysler, 4-door sedan License Plate #4903303	\$1,108.15	Allen County Motors
2) Police Dept. unit No. 3, 1978 Ford, 4-door sedan License Plate #MO-11103	<u>582.69</u>	Northway Chrysler- Plymouth
	\$1,690.84	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-64-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-21

RESOLUTION NO. R-65-79

A RESOLUTION authorizing the transfer of funds already appropriated between accounts in the 1979 budget of the Park Department

WHEREAS, it has become necessary to transfer funds already appropriated between various accounts within the 1979 budget of the Park Department.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the amounts listed in Column III, below respectively, from the numbered account listing on the same line in Column I below to the numbered account listed on the same line in Column II below; all in the 1979 budget of the Park Department:

	I. <u>FROM</u>	III <u>TO</u>	III <u>AMOUNT</u>
1.	402-121-121-4220 UTILITIES	402-121-121-4241 PRINT, OTHER T HAN SUP.	\$ 200.00
		" " " -4262 GARBAGE COLLECT- ION	3,600.00
		" " " -4265 CONSTRUCTION	56,200.00
		Total	\$60,000.00
2.	402-121-121-4252 REPAIR OF EQUIP.	402-121-121-4213 TRAVEL	\$ 600.00
		" " " -4242 PUB.OF LEGAL NOT.	2,000.00
		" " " -4243 PHOTO. & BLUE- PRINT.	4,400.00
		" " " -4265 CONSTRUCTION	1,000.00
		Total	\$ 8,000.00
3.	402-121-121-4271 RECREATIONAL SVCS.	402-121-121-4321 GAS	\$ 6,500.00
		" " " -4421 GRAVEL	3,000.00
		Total	\$ 9,500.00
4.	402-121-121-4272 JANITOR & LAUNDRY SERVICES	402-121-121-4312 FUEL OIL	\$ 300.00
5.	402-121-121-4363	402-121-121-433 OTHER NIST. & MEDICAL SUPP.	\$ 500.00
6.	402-121-121-4370 OTHER SUPPLIES	402-121-121-4321 GAS	\$ 5,000.00
7.	402-121-121-4372 LANDSCAPE & GREENHOUSE	402-121-121-4312 FUEL OIL	\$ 400.00
		" " " -4321 GAS	\$ 1,500.00
		" " " -4324 OTHER GAR. & MOTOR	\$ 1,100.00
		Total	\$ 3,000.00
8.	402-121-121-4374 RECREATIONAL SUPP.	402-121-121-4321 GAS	\$ 5,000.00

9.	402-121-121-4520 RENTS	402-121-121-4430 REPAIR PARTS \$ 1,000.00 " " " -4440 OTHER MATERIALS 6,500.00 Total \$ 7,500.00
10.	402-121-121-4621 TAXES	402-121-121-4623 UNEMPLOY. COMP. \$ 9,500.00

SECTION 2. That the unexpended balance in the following numbers and entitled in the 1979 Park General Fund #121 are hereby reduced in the amounts set opposite them below respectively:

<u>ACCOUNT</u>	<u>AMOUNT</u>
402-121-121-4220 UTILITIES	\$ 60,000.00
402-121-121-4252 REPAIR OF EQUIPMENT	8,000.00
402-121-121-4271 RECREATIONAL SERVICES	9,500.00
402-121-121-4272 JANITOR & LAUNDRY SERVICES	300.00
402-121-121-4363 OTHER OFFICE SUPPLIES	500.00
402-121-121-4370 OTHER SUPPLIES	5,000.00
402-121-121-4372 LANDSCAPE & GREENHOUSE	3,000.00
402-121-121-4374 RECREATIONAL SUPPLIES	5,000.00
402-121-121-4520 RENTS	7,500.00
402-121-121-4621 TAXES	9,500.00
	<u>\$108,300.00</u>

SECTION 3. That this Resolution shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-23-89
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-65-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)
Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-22

RESOLUTION NO. R-66-79

A RESOLUTION authorizing the transfer of funds already appropriated between accounts in the 1979 budget of the Department of Redevelopment

WHEREAS, it has become necessary to transfer funds already appropriated between various accounts within the 1979 budget of the Department of Redevelopment.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the amounts listed in Column III, below respectively, from the numbered account listing on the same line in Column I below to the numbered account listed on the same line in Column II below; all in the 1979 budget of the Department Redevelopment:

	<u>I</u> <u>FROM</u>	<u>II</u> <u>TO</u>	<u>III</u> <u>AMOUNT</u>
1.	402-123-123-4510 INSURANCE	402-123-123-4721 FURN. & FIXTURES	270.00
2.	402-123-123-4241 PRINT. OTHER THAN OFFICE SUPPLIES	402-123-123-4213 TRAVEL	\$1,200.00

SECTION 2. (a) That the unexpended balance of said account No. 402-123-123-4510 in the 1979 budget of the Department of Redevelopment is hereby reduced in the amount of the total shown in Section 1 above, to wit: \$270.00; (b) That the unexpended balance of said account No. 402-123-123-4241 in the 1979 budget of the Department of Redevelopment is hereby reduced in the amount of the total shown in Section 1 above, to wit: \$1,200.00.

SECTION 3. That this Resolution shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-66-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-23

RESOLUTION NO. R-67-79

A RESOLUTION authorizing the transfer of funds already appropriated between accounts in the 1979 budget of the Traffic Engineering Department

WHEREAS, it has become necessary to transfer funds already appropriated between various accounts within the 1979 budget of the Traffic Engineering Department.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the amounts listed in Column III, below respectively, from the numbered account listing on the same line in Column I below to the numbered account listed on the same line in Column II below; all in the 1979 budget of the Traffic Engineering Department:

I	II	III
FROM	TO	AMOUNT
1. 402-010-011-01-4230 INSTRUCTION	402-010-011-01-4251 BUILDING REPAIRS	626.00
2. 402-010-011-01-4111 SALARIES, REG.	402-010-011-01-4251 BUILDING REPAIRS	508.00
	" " " -4323 TIRES & TUBES	500.00
	" " " -4324 OTHER GARAGE & MOTOR	1,800.00
	" " " -4332 MEDICAL, SURGICAL & DENTAL	200.00
	" " " -4370 OTHER SUPPLIES	1,000.00
	" " " -4440 OTHER MATERIALS	
	" " " -4521 MACHINE RENTAL	2,300.00
	" " " -4522 OTHER RENTAL	500.00
	Total	\$11,308.00

SECTION 2. (a) That the unexpended balance of said account No. 402-010-011-01-4230 in the 1979 budget of the Traffic Engineering Department is hereby reduced in the amount of the total shown in Section 1 above, to wit \$626.00; (b) That the unexpended balance of said account No. 402-010-011-01-4111 in the 1979 budget of the Traffic Engineering Department is hereby reduced in the amount of the total shown in Section 1 above, to wit: \$11,808.00.

SECTION 3. That this Resolution shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-67-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-24

RESOLUTION NO. R-68-79

A RESOLUTION ratifying an Agreement between the City of Fort Wayne (City) and the Fort Wayne Community Schools (FWCS) to provide fire protection for schools within the school district but outside the corporate limits of the City of Fort Wayne

WHEREAS, FWCS owns, operates and maintains certain schools and school buildings located near but outside the corporate limits of the City, described as follows:

1. Arlington	8118 St. Joe Center Rd.
2. Blackhawk Jr. High	7200 E. State Blvd.
3. Croninger	6700 Trier Road
4. Harris	4501 Thorngate Drive
5. Jefferson Jr. High	5303 Wheelock Road
6. Pleasant Center	2323 Pleasant Center Rd.
7. St. Joseph Central	6341 St. Joe Center Rd.
8. Shambaugh	5302 Rebecca Drive
9. Washington Center	1936 W. Wallen Road
10. Wayne High	9100 Winchester Road

WHEREAS, FWCS desires to be assured that fire protection by City is available at the said above-described locations and that the City present to schools included above the City's Fire Safety Programs, and

WHEREAS, in the summer of 1978, the FWCS closed the Hanna School which is located on South Lafayette Street due to obsolescence, and

WHEREAS, at the time, the FWCS determined that said facility was no longer useful for school or school-related purposes, and

WHEREAS, since the closing of said school, the FWCS has been unsuccessful in locating a purchaser interested in acquiring said facility, and

WHEREAS, other civic organizations have indicated an interest in having the City acquire said facility, and

WHEREAS, the regulations of the State of Indiana specifically permit local governmental units such as the City and FWCS to make the most efficient use of their powers by enabling them to enter into agreements with each other on the basis of mutual advantage and thereby provide services and facilities which will accord best with factors which influence the needs and development of the community, and

WHEREAS, FWCS is interested in entering into an agreement with the City for fire protection at certain of its facilities, and

WHEREAS, the City is interested in acquiring the Hanna School site for its board purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Fort Wayne that the said Common Council hereby accepts and ratifies the agreement between the City of Fort Wayne and the FWCS whereby the City will provide fire protection for the said school district to the

above listed schools lying outside the corporate limits of Fort Wayne in exchange for the conveyance of the Hanna School to the City and the sum of Three Thousand Dollars (\$3,000) per year for the first five (5) years of the Agreement and for the second five (5) years of the agreement, Thirteen Hundred Dollars (\$1,300) per year per school listed above still lying outside the corporate limits of the City of Fort Wayne.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-68-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-08-21 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-24-79

AN ORDINANCE pertaining to a moratorium
on establishment of certain places for the
exhibition of films or the dissemination of
printed or written material, pictures, drawings,
photographs, motion pictures and other
representations

WHEREAS, several establishments have been located in areas throughout the City of Fort Wayne, Indiana, for the exhibition of films or the distribution of books, magazines, newspapers, or printed or written material, pictures, drawings, photographs, motion pictures, or other pictorial representations, statues, figures, recordings, transcripts, mechanical, chemical or electrical reproductions which are sexually oriented and are designated by such establishments as being for adult persons over the age of 18 years.

WHEREAS, the proximity of such establishments to residential districts, schools, churches and other places, areas and districts may be injurious to the public health, safety, comfort, morals, convenience and general public welfare; and

WHEREAS, there is pending before the Common Council of the City of Fort Wayne a proposed ordinance which would restrict such establishments to certain zoned areas; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That for one year from and after the effective date of this Ordinance, or

until the Common Council shall have voted on the adoption of the Zoning Ordinance aforesaid, whichever shall first occur, the Community Development and Planning Department of the City of Fort Wayne shall not issue any improvement location permits or occupancy permits for the construction or alteration of establishments for the exhibition of films or the distribution of books, magazines, newspapers or other printed or written materials, pictures, drawings, photographs, motion pictures or other pictorial representations, statues, or other figures, recordings, transcripts, mechanical, chemical or electrical reproductions where it appears that the stock in trade of such establishment will consist principally of sexually oriented material, or, in the case of theatres, that the usual fare will consist of sexually-oriented films, commonly designated as "X"-rated, or "triple-X" films.

SECTION 2. That the City Controller of the City of Fort Wayne, Indiana shall not issue permits or licenses that will in any way directly or indirectly violate any provisions of Section 1 hereof.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any Court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part of provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-23-89
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-24-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-10-11

GENERAL ORDINANCE NO. G-23-79

AN ORDINANCE amending General Ordinance
No. G-66-66 heretofore adopted on June
14, 1966, by adding M-3 Zoning District
to Fire Zone No. 2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That sub-section 116.2 "Fire Zone No. 2" of General Ordinance No. G66-66 heretofore adopted on June 14, 1966, is amended to be and read:

The Secondary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as "B-1, B-2, B-3B, B-4, M-1, M-2, M-3, 1A and R-3."

SECTION 2. That this Ordinance shall be in full force and effect upon passage, approval by the Mayor and due legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-23-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-09

SPECIAL ORDINANCE NO. S-186-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5851-79, between the City of Fort Wayne, Indiana and Dailey Asphalt Products Company, Contractor for resurfacing pavement on Anthony Boulevard

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 26, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Asphalt Products Company, Contractor, for:

resurfacing and restoring the pavement on Anthony Blvd.,
from the south curb line of Maumee Avenue to the south
curb line of Rudisill Blvd.,

under Board of Public Works Street Improvement Resolution No. 585179, at a total cost of \$236,664.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-186-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-10

SPECIAL ORDINANCE NO. S-187-79

AN ORDINANCE approving City Utilities
Purchase Order No. 1411 with J.C. Gripp
Associates for sewer cleaners for the
WPC Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1411, dated September 28, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and J.C. Gripp Associates, for:

Two 1980 High Pressure Sewer Cleaners, Truck mounted,
for the Water Pollution Control Maintenance Department,

at a cost of \$56,096.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hunter and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-187-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-12

SPECIAL ORDINANCE NO. S-188-79

AN ORDINANCE approving City Utilities
Purchase Order No. 1393 with International
Harvester Company for one dump truck for
the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1393, dated September 24, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and International Harvester Company, for:

One Dump Truck complete with dump body and hoist for
the Filtration Plant,

at a cost of \$19,101.56, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hunter and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-188-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-10-31

ANNEXATION ORDINANCE NO. X-08-79

AN ORDINANCE AMENDING ANNEXATION
ORDINANCE NO. X-05-79, AS AMENDED

WHEREAS, heretofore on September 25, 1979, the Common Council of the City of Fort Wayne did pass Ordinance No. X-05-79, as Amended; and,

WHEREAS, said Ordinance was duly presented to the Mayor of the City of Fort Wayne on September 26, 1979, and approved and signed by the Mayor of the City of Fort Wayne, on September 28, 1979 at 4:30 o'clock P.M., E.S.T.: and,

WHEREAS, said Ordinance as subsequently amended was received by the Common Council of the City of Fort Wayne from the City Plan Commission prior to September 1, 1979; and,

WHEREAS, the law of the State of Indiana was changed affecting annexations occurring after September 1, 1979 by IC 18-5-10-25 in that the provisions of Section 2 of said Annexation Ordinance No. X-05-79, as Amended were no longer applicable; and,

WHEREAS, in keeping with policy of the City Plan Commission adopted subsequent to the enactment of said IC 18-5-10-25 said Section 2 in said Ordinance would no longer be applicable, but a new Section 2 should be substituted therefor; and,

WHEREAS, said City Plan Commission did recommend that a new Section 2 be substituted for said Section 2, as set forth in Annexation Ordinance No. X0579, as Amended, but through error and inadvertence the Common Council of the City of Fort Wayne failed to include said Section 2, but did include the old Section 2 which is no longer the fiscal policy of the City of Fort Wayne, nor the law of the State of Indiana;

NOW THEREFORE in order to conform with the Indiana State Law IC 18-5-10-25 and the policy of the City of Fort Wayne;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that Section 2 of Annexation Ordinance No. X-05-79 as Amended be deleted in its entirety and the following new Section 2 be substituted in lieu thereof as follows:

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years in the same manner as such services are provided to acres already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

In all other respects except as hereinabove amended said Annexation Ordinance No. X-05-79 as Amended shall be in full force and effect as therein provided.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: One

Nuckols

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-08-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-10-32

ANNEXATION ORDINANCE NO. X-09-79

AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-06-79, AS AMENDED

WHEREAS, heretofore on September 25, 1979, the Common Council of the City of Fort Wayne did pass Ordinance No. X-06-79, as Amended; and,

WHEREAS, said Ordinance was duly presented to the Mayor of the City of Fort Wayne on September 26, 1979, and approved and signed by the Mayor of the City of Fort Wayne, on September 28, 1979 at 4:30 o'clock P.M. E.S.T.; and,

WHEREAS, said Ordinance as subsequently Amended was received by the Common Council of the City of Fort Wayne from the City Plan Commission prior to September 1, 1979, and,

WHEREAS, the law of the State of Indiana was changed affecting annexations occurring after September 1, 1979 by IC 18-5-10-25 in that the provisions of Section 2 of said Annexation Ordinance No. X-06-79, as Amended were no longer applicable; and,

WHEREAS, in keeping with policy of the City Plan Commission adopted subsequent to the enactment of said IC 18-5-10-25 said Section 2 in said Ordinance would no longer be applicable, but a new Section 2 should be substituted therefore; and,

WHEREAS, said City Plan Commission did recommend that a new Section 2 be substituted for said Section 2, as set forth in Annexation Ordinance No. X0679 as Amended, but through error and inadvertence the Common Council of the City of Fort Wayne failed to include said new Section 2, but did include the old Section 2 which is no longer the fiscal policy of the City of Fort Wayne, nor the law of the State of Indiana;

NOW THEREFORE in order to conform with the Indiana State Law IC 18-5-10-25 and the policy of the City of Fort Wayne:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that Section 2 of Annexation Ordinance No. X-06-79 as Amended, be deleted in its entirety and the following new Section 2 be substituted in lieu thereof as follows:

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those noncapital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

In all other respects except as hereinabove amended said Annexation Ordinance No. X-06-79, as Amended shall be in full force and effect as therein provided.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 10-23-89

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-09-79 on the 23rd day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-10-33

ANNEXATION ORDINANCE NO. X-10-79

AN ORDINANCE AMENDING ANNEXATION
ORDINANCE NO. X-07-79, AS AMENDED

WHEREAS, heretofore on October 9, 1979, the Common Council of the City of Fort Wayne did pass Ordinance No. X-07-79, as Amended; and

WHEREAS, said Ordinance was duly presented to the Mayor of the City of Fort Wayne on October 10, 1979, and approved and signed by the Mayor of the City of Fort Wayne, on October 17, 1979 at 10:00 o'clock A.M., E.S.T.; and,

WHEREAS, said Ordinance as subsequently Amended was received by the Common Council of the City of Fort Wayne from the City Plan Commission prior to September 1, 1979; and,

WHEREAS, the law of the State of Indiana was changed affecting annexations occurring after September 1, 1979 by IC 18-5-10-25 in that the provisions of Section 2 of said Annexation Ordinance No. X-07-79 as Amended were no longer applicable; and,

WHEREAS, in keeping with policy of the City Plan Commission adopted subsequent to the enactment of said IC 18-5-10-25 said Section 2 in said Ordinance would no longer be applicable, but a new Section 2 should be substituted therefor; an,

WHEREAS, said City Plan Commission did recommend that a new Section 2 be substituted for said Section 2, as set forth in Annexation Ordinance No. X-07-79 as Amended, but through error and inadvertence the Common Council of the City of Fort Wayne failed to include said new Section 2, but did include the old Section 2 which is no longer the fiscal policy of the City of Fort Wayne, nor the law of the State of Indiana;

NOW THEREFORE in order to conform with the Indiana State Law IC 18-5-10-25 and the policy of the City of Fort Wayne:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that Section 2 of Annexation Ordinance No. X-07-79 as Amended be deleted in its entirety and the following new Section 2 be substituted in lieu thereof as follows:

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

In all other respects except as hereinabove amended said Annexation Ordinance No. X-07-79, as Amended shall be in full force and effect as therein provided.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 10-23-89
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-10-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-02

SPECIAL ORDINANCE NO. S-189-79

AN ORDINANCE authorizing the sale and execution
of deed to Saxon Industries, Inc., or its
assignee of certain real estate owned by the City
of Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne is the owner of certain real estate in Fort Wayne, Indiana, described as follows, to-wit:

TRACT NO. 1

Part of the Southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana, described as follows, to-wit:

Beginning at a point situated 106.0 feet South, 87 degrees and 35 minutes East, of the Northwest corner of the Southwest quarter of the southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana; thence North 88 degrees and 20 minutes East, 679.5 feet; thence South 1 degree and 40 minutes East 641.0 feet to the centerline of a public thoroughfare known as "C" Street; thence South 88 degrees and 20 minutes West 679.5 feet along the said centerline of the public thoroughfare known as "C" Street; thence North 1 degree and 40 minutes West 641.0 feet to the place of beginning, containing 10.00 acres of land, more or less, subject to building set-back lines, road easements and easements for the installation, maintenance, operation and use of all public or quasipublic utilities or services as determined and set out by the Board of Aviation Commissioners of the City of Fort Wayne, Indiana,

TRACT NO. 2

Part of the Southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana, described as follows, to-wit: Beginning at a point situated 106.0 feet South, 87 degrees 35 minutes East of the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana; thence North 1 degree 40 minutes West 147.0 feet; thence North 88 degrees 20 minutes East 1174.0 feet to the West right of way line of Thirteenth Street in the Plan of Baer Field Municipal Airport in the City of Fort Wayne, Indiana; thence South 1 degree 12 minutes East 788.0 feet along the said West right of way line of Thirteenth Street to the centerline of "C" Street in the aforesaid Plan of Baer Field Municipal Airport in the City of Fort Wayne, Indiana; thence South 88 degrees 20 minutes West 488.0 feet along the said centerline of "C" Street; thence North 1 degree 40 minutes West 641.0 feet; thence South 88 degrees 20 minutes of beginning, containing 11.17 acres of land, more or less, subject to easements for the maintenance, repair or replacement of all existing public or quasi-public utilities and services and also subject to easements over the Westerly 25.0 feet thereof for the Easterly half of Seventh Street and over the Southerly 25.0 feet thereof for the Northerly half of "C" Street in the aforementioned Plan of Baer Field Municipal Airport in the City of Fort Wayne, Indiana.

WHEREAS, the said City through its Board of Aviation Commissioners entered into leases of said tracts dated September 13, 1955 and August 1, 1959 with Magna Engineering Corporation (Tract No. 1 above) and Standard Packaging Corporation (Tract No. 2 above); and

WHEREAS, the leasehold interest in said leases are both currently vested in Saxon Industries, Inc., by virtue of certain corporate mergers and assignments; and

WHEREAS, by addendum to said leases dated December 31, 1959, the lessee and assignee of the lessee under each of said leases was given an option to purchase said real estate for the appraised value thereof less all rent paid under said leases; and

WHEREAS, on May 21, 1979 notice was given by Saxon Industries Inc., that it was exercising its option to purchase said real estate in accordance with the terms of said leases and said addendum thereto; and

WHEREAS, the City of Fort Wayne and its Board of Aviation Commissioners are obligated under the terms of said lease and the addendum thereto to complete the sale of said real estate in accordance with the terms of the option and it is in the best interest of the City of Fort Wayne and said Board of Aviation Commissioners to complete said sale.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sale by the City of Fort Wayne, Indiana of the above described real estate for not less than the appraised value, less all rent paid under said leases and the addendum thereto be and hereby is authorized and approved.

SECTION 2. That the Mayor of the City of Fort Wayne be, and he is hereby authorized and directed and directed in the name of and for and on behalf of the City of Fort Wayne to execute a deed to Saxon Industries, Inc. or its assignee for the parcels of real estate hereinabove described upon payment by Saxon Industries, Inc., or its assignee, of a sum equal to the appraised value of said real estate less rents paid under said leases, such deed to be in the form of a warranty deed and to be subject to the terms and conditions as shall be considered necessary and advisable in the best interest of the City of Fort Wayne, The signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne, and accompanied by the seal of said City.

SECTION 3. The proceeds of such sale shall be deposited in the Aviation Fund of the City of Fort Wayne.

SECTION 4. This Ordinance shall be and constitute sufficient authority for the Mayor and the City Clerk of the City of Fort Wayne to execute such a deed and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Hinga, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico
Nays: None
Absent: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-189-79 on the 13th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-17

SPECIAL ORDINANCE NO. S-190-79

AN ORDINANCE approving an Agreement to
Purchase Real Estate from Housing Authority
for Neighborhood Care, Inc., located at
305 E. Dewald Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated October 4, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and the Housing Authority, for:

Lot #285 Hamiltons 4th Addition

for the total cost of \$2,400.00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by Hinga, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico

Nays: None

Absent: Three

Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-190-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-18

SPECIAL ORDINANCE NO. S-191-79

AN ORDINANCE approving an Agreement to Purchase Real Estate from F H Investment Corporation for Neighborhood Care, Inc., located at 1020 E. Washington Blvd.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated September 6, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and F H Investment Corporation, for:

W1/2 Lot #47, Comparets Addition

for the total cost of \$950.00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Hinga, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico

Nays: None

Absent: Three

Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-191-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-19

SPECIAL ORDINANCE NO. S-192-79

AN ORDINANCE approving a contract between
Gladieux Refinery, Inc. and the City of
Fort Wayne by and through its Department
of Public Safety for Fire protection

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated June 22, 1979, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety and Gladieux Refinery, Inc., for fire protection from the Fort Wayne Fire Department on specified grounds outside the city limits, described as follows, to wit:

All buildings and improvements of Gladieux Refinery, Inc. located in an area:

67-0008-0007-I 4.195 acres of West 385 feet East of
Fort Wayne Union RR between Wabash RR and U. S. 24 and
30 Northeast 1/4 of Section 8.

67-9990-4012 South 86, 100 square feet Northeast 1/4
Section 8 North of New Haven Avenue, South of Norfolk
and Western RR lease ground Fort Union RR.

67-0008-0012-I South 13.78 chains of East 4.52 chains
West 14.52 chains of fractional Northeast 1/4 Section 8,
60 acres.

67-0008-0075 East 410.2 of West 1454.4 feet Northeast
1/4 between RR and 24 and 30. Section 8.

67-0008-0005 East 5 acres of mid part fractional
Northeast 1/4 South of canal and North of RR and except
Southeast 2.94 and vacated road adjacent North of the
North Section 8.

67-0008-0041 North 6.85 Acres of West 14.04 feet
Northeast 1/4 South of road except Fort Wayne Union RR
of Section 8.

67-0008-0017 1.32 Acres of Trl west 385 feet East of
Union RR between Maumee Rd. and U.S. 24 and 30 North
East 1/4 of Section 8.

SECTION 2. That the cost of Gladieux Refinery shall be the sum of \$3,186.18, which amount shall be deposited into Fund No. 110 "Fire Fighting Fund" pursuant to Indiana Burns Statutes Annotated Sec. 486176.

SECTION 3. That said contract is on file in the Office of the Board of Public Safety and is by reference incorporated herein, and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Hinga, seconded by Talarico and duly adopted, plaëd on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schimdt, Stier, Talarico
Nays: None
Absent: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-192-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-07

RESOLUTION NO. R-69-79

A RESOLUTION authorizing payment to
Graybar Electric Company for repair
parts for the Traffic Engineering
Department

WHEREAS, the Traffic Engineering Department was in need of repair parts, and insurance monies in reimbursement for such repair parts have been received and receipted by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay Graybar Electric Company the sum of \$1,291.61 for furnishing such repair parts, upon receipt of proper vouchers from the City Traffic Engineer.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico

Nays: None

Absent: Three

Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-69-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-08

RESOLUTION NO. R-70-79

A RESOLUTION transferring jurisdiction and control over certain real estate owned by the City of Fort Wayne from the Board of Public Works to the Redevelopment Commission, in order to facilitate taking appropriate action to bring about its development as a neighborhood and commercial center to serve the area of the City commonly called "West Central"

WHEREAS the City of Fort Wayne owns a tract of land bounded by Broadway, Wilt, Lavina and Van Buren Streets, commonly known as the "Broadway Block", which property is under the jurisdiction of the Board of Public Works; and

WHEREAS the Mayor, said Board of Public Works, the Redevelopment Commission and this body concur that said tract is suitable for development as a neighborhood and commercial center serving the area of the City commonly called "West Central"; and

WHEREAS to facilitate such development it is advisable that jurisdiction and control over said real estate be transferred from the Board of Public Works to the Redevelopment Commission.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That jurisdiction and control over the use, development and disposition of the following described real estate owned by the City of Fort Wayne, Indiana, is hereby transferred from the Board of Public Works to the Redevelopment Commission:

The tract of land, designated Tract Three of the West Central Neighborhood Development Program, being that site in the City bounded by Broadway, Wilt, Lavina, and Van Buren Streets, commonly known as the "Broadway Block".

SECTION 2. That the purpose of such transfer is to enable the development of a neighborhood center and neighborhood commercial activities on such said site through the exercise by the Redevelopment Commission of its statutory powers, for the benefit of said West Central Area, as to which said commission shall proceed with due dispatch.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico

Nays: None

Absent: Three

Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-70-70 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-09

RESOLUTION NO. R-71-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to wit:

	<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1)	Police Dept. unit No. 157, 1975 Chevrolte, 4-door sedan License Plate #2B9987	\$ 81.95	Tomkinson Chrysler - Plymouth, INc.
2)	Police Depart. unit No. 9, 1978 Ford, 4-door sedan License Plate #M011109	539.52	Tomkinson Chrysler - Plymouth, Inc.
		<u>\$621.47</u>	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico
Nays: None
Absent: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R71-79 on the 13th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-09-07

GENERAL ORDINANCE NO. G-25-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
two alleys between W. Washington and W.
Jefferson and between S. Harrison and
S. Calhoun Streets

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of two alleys having been filed with the Fort

Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alleys, to wit:

The North-South alley from the north right-of-way of Jefferson Street to the south right-of-way of Washington Street and the East-West alley from the east right-of-way of Harrison Street to the west right-of-way of Calhoun Street both within the block consisting of Lots 418 to 424 and Lots 448 to 453 all in Hanna's Addition of the City of Fort Wayne, Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico
Nays: None
Absent: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-25-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-09-05

ZONING MAP ORDINANCE NO. Z-26-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Pfeiffer Place Addition Lots 73 thru 86, 139 thru
170 and 215 thru 226; North Wayne Addition
Lots 25 thru 37

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico
Nays: None
Absnet: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-26-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-25

SPECIAL ORDINANCE NO. S-193-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5852-79,
between the City of Fort Wayne, Indiana and
Indiana Gunite & Construction Company,
Contractor for repairing concrete retaining
wall on St. Joe Blvd.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 10, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Indiana Gunite & Construction Company, Contractor, for:

repairing the deteriorated concrete retaining wall along
west side of St. Joe Blvd. from Columbia Street Bridge
north to McDougal Avenue with reinforced Gunite and 100%
coverage on exposed surface with Flashcoat and epoxy
sealer,

under Board of Public Works Street Improvement Resolution No. 5852-79, at a total cost of \$52,710.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico

Nays: None

Absent: Three

Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-193-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock
P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-26

SPECIAL ORDINANCE NO. S-194-79

AN ORDINANCE approving a contract for
Water Improvement Resolution No. 1016-79,
between the City of Fort Wayne, Indiana
and Bercot, Inc., for installation of a
water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 15, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., for:

installation of a water main on Sharon Drive from Sharon Drive north to Ludwig Road, then east on Ludwig Road to an existing twelve-inch water main at Rodenbeck Drive,

under Board of Public Works Water Improvement Resolution No. 1016-79, at a total cost of \$54,047.30, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

SIX
Burns, Hinga, Nuckols, D. Schmidt; Stier, Talarico

Navs: None

Absent: Three

Hunter, Moses, V. Schmidt, 1

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-194-79 on the 13th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-28

SPECIAL ORDINANCE NO. S-195-79

AN ORDINANCE approving an Agreement with
The Westbridge Company, Inc., for construction
of a sanitary sewer for Breconshire, Section I

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the Agreement dated October 15, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and The Westbridge Company, Inc., Developer, for:

SANITARY SEWER

BRECONSHIRE-SECTION 1

Line A Beginning at an existing manhole #1 over an existing 15" sanitary sewer, said manhole being situated approximately 1449 feet East and 190 feet North of the Southwest corner of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence North a distance of approximately 185 feet to proposed manhole #2; thence West a distance of approximately 160 feet to proposed manhole #3; thence North a distance of approximately 310 feet to proposed manhole #4; thence West a distance of approximately 350 feet in part along the north property line of lots 17, 18 and 19 in BRECONSHIRE, SECTION 1 to proposed manhole #5, said manhole being located in the northeast corner of proposed lot #19 of BRECONSHIRE, SECTION 1; thence Westerly a distance of approximately 130 feet along the north property line of lots 19 and 20 in BRECONSHIRE, SECTION 1 to proposed manhole #6, said manhole being located in the northwest corner of lot #20 in BRECONSHIRE, SECTION 1; thence Westerly a distance of approximately 150 feet along the north property line of lots 21 and 22 in proposed BRECONSHIRE, SECTION 1 to proposed manhole #7, said manhole being located in the northwest corner of lot #22 in BRECONSHIRE, SECTION 1; thence Westerly a distance of approximately 240 feet along the north property line of lots 23, 24 and 25 in BRECONSHIRE, SECTION 1 to a proposed manhole #8, said manhole being located in the northwest corner of lot #25 in BRECONSHIRE, SECTION 1; thence Westerly a distance of approximately 170 feet along the north property line of lots 26 and 27 in BRECONSHIRE, SECTION 1 to proposed manhole #9, said manhole being located in the northwest corner of lot #27 in BRECONSHIRE,

SECTION 1;; thence Westerly a distance of approximately 140 feet along the north property line of lots 28, 29 and 30 in BRECONSHIRE, SECTION 1 terminating at proposed manhole #10, said manhole being located in the northeast corner of lot #30 in BRECONSHIRE, SECTION 1.

Line B

Beginning at proposed manhole #7, said manhole being situated in the northwest corner of lot #22 in BRECONSHIRE, SECTION 1 as set forth above; thence Northerly a distance of approximately 210 feet along the west property line of lots 9 and 10 in BRECONSHIRE, SECTION 1 to a proposed manhole #11, said manhole being the point of termination and being located in the northwest corner of lot #9 in BRECONSHIRE, SECTION 1.

Line C

Beginning at a proposed manhole #5, said manhole being situated in the northeast corner of lot #19 in BRECONSHIRE, SECTION 1 as set forth above; thence Northerly a distance of approximately 275 feet along the east property line of lots 11, 12 and 13 in BRECONSHIRE, SECTION 1 to proposed manhole #12, said manhole being the point of termination and being located in the northeast corner of lot #13 in BRECONSHIRE, SECTION 1.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Hinga, Nuckols, D. Schmidt, Stier, Talarico
Nays: None
Absent: Three
Hunter, Moses, V. Schmidt

Date: 11-13-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-195-79 on the 13th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of November, 1979, at the hour of 4:00 o'clock P.M.E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-02

SPECIAL ORDINANCE NO. S-196-79

AN ORDINANCE approving an Agreement to
Purchase Real Estate from Rose Freiburger
for Neighborhood Care, Inc. located at
2530 Caroline Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated October 15, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and Rose Freiburger, for:

Lot #7, L.M. Jones Sub Addition

for the total cost of \$2,900,00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-196-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-03

SPECIAL ORDINANCE NO. S-197-79

AN ORDINANCE approving blanket Civil City
and City Utilities Purchase Orders for
purchase of tires and tubes for various
departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated October 23, 1979, between the City Purchasing Director, City Utilities Purchasing

Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for the purchase of tires and tubes to be used by the various departments of the City of Fort Wayne, Indiana, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P.O.#</u>
Allen County Tire Stores	B-4-07234	B-1469
General Tire Company, Inc.	B-4-07235	B-1470
McMahon Tires	B-4-07236	B-1471

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-197-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-04

SPECIAL ORDINANCE NO. S-198-79

AN ORDINANCE approving blanket Civil City
and City Utilities Purchase Orders for 1980
for various departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated October 25, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for the purchase of asphalt for various Departments of the City, all as more particularly set forth in said Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P.O.#</u>
Hipskind Asphalt Corporation	B-4-07237	B-01480
Wayne Asphalt & Constr. Co.	B-4-07238	B-01481
Dailey Asphalt	B-4-07239	B-01482

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 11-27-79
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-198-79 on the 27th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-05

SPECIAL ORDINANCE NO. S-199-79

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for 1980 for Grease and Oil Requirements for various departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated October 22, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for the purchase of automotive grease and oil requirements for various departments of the City, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P.O.#</u>
Aero Oil Company	B-4-06802	B-1467
Inland Oils, Inc.	B-4-06803	B-1468

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-199-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-06

SPECIAL ORDINANCE NO. S-200-79

AN ORDINANCE approving blanket Civil City
and City Utilities Purchase Orders for
1980 for Auto Batteries, Filters and Spark
Plugs for various departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated October 22, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for the purchase of auto batteries, filters and spark plugs for various departments of the City, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P.O.#</u>
Crown Battery	B-4-7230	B-1461
National Mill Supply	B-4-7231	B-1462
Anthony Motor Parts	B-4-7232	B-1463
R.P.S. Products, Inc.	B-4-7233	B-1465

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 11-27-79
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-200-79 on the 27th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-44

RESOLUTION NO. R-72-79

A RESOLUTION authorizing payment
to Koester's Body Shop, Inc. for
repair of vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance money in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, to wit:

<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
Park Dept. unit No. 49, 1974 GMC Truck, License Plate #MO-10149	\$1,254.75	Koester's Body Shop, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 11-27-79
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-72-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-45

RESOLUTION NO. R-73-79

A RESOLUTION authorizing payment to various agencies for repair of vehicle and miscellaneous repair parts for the Traffic Engineering Department

WHEREAS, (1) the Traffic Engineering Department was in need of emergency repairs to their TE24 Trouble Truck and also to purchase other miscellaneous repair parts, and (2) insurance monies in reimbursement for such vehicle repair and miscellaneous repair parts have been received and received from the following companies for such vehicle repair and miscellaneous repair parts as hereafter set out, respectively, to wit:

<u>Vendor</u>	<u>Amount</u>	<u>For:</u>
MacDonald Machinery Co.	\$2,108.12	Repair Truck TE-24
Clifford of Vermont, Inc.	<u>287.30</u>	Buy Misc. Repair Parts
	\$2,395.42	

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work and miscellaneous repair parts as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-73-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-10

RESOLUTION NO. R-74-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,500,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project (Nabisco, Inc.)

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-64.5, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Nabisco, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for storage space containing 60,000 sq. ft. of warehousing facilities to be located at Edgewood Industrial Park, Fort Wayne, Allen County, Indiana, on approximately 3 acres (the "Project"); and

WHEREAS, Nabisco, Inc. will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 52 job opportunities with an estimated annual payroll of \$_____ to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort

Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer. 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act. 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds. 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 11-27-79
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-74-79 on the 27th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-11

RESOLUTION NO. R-75-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$500,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-64.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the

funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by a company or leased to a company or sold to a company, and

WHEREAS, Hagerman Construction Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for office space containing 16,146 sq. ft. of space located at 502, 516, and 522 W. Washington Boulevard, Fort Wayne, Allen County, Indiana, consisting of four lots containing 31,500 sq. ft. (the "Project"); and

WHEREAS, Hagerman Construction Corporation will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 7 job opportunities with an estimated annual payroll of \$120,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer. 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act. 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds. 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, Stier, V. Schmidt, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-75-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-12

RESOLUTION NO. R-76-79

A RESOLUTION finding, determining and ratifying
an inducement resolution of the Fort Wayne
Economic Development Commission authorizing the
issuance and sale of \$500,000 Economic Revenue
Bonds of the City of Fort Wayne, Indiana, for
the purpose of inducing the Applicant to proceed
with the acquisition, construction and equipping
of the Project (Aboite Adams Partnership)

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-64.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Aboite Adams Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for two (2) Kindercare Learning Centers each containing 4,500 sq. ft. One facility will be located at 760 U.S. Highway 20 East, New Haven, Indiana, and the other facility will be located at 4311 Coventry Parkway, Fort Wayne, Indiana (the "Project"); and

WHEREAS, Aboite Adams Partnership will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 22 job opportunities with an estimated annual payroll of \$250,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds. 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

William T. Hinga
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 11-27-79 Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-76-79 on the 27th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-47

RESOLUTION NO. R-77-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,500,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project (Holsum of Fort Wayne, Inc.)

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Holsum of Fort Wayne, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a bakery at the existing facilities at 1701 South Calhoun Street, Fort Wayne, Indiana (the "Project") and

WHEREAS, Holsum of Fort Wayne, Inc. will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 7-13 job opportunities with an estimated annual payroll of \$150,000 to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (1) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Brns, Hinga, Hunter, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: One

Nuckols

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-77-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-48

RESOLUTION NO. R-78-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,250,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project (J.B. Tool, Die & Engineering, Inc.)

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 1864.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company, and

WHEREAS, J.B. Tool, Die & Engineering, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a manufacturing facility on approximately 2.6 acres of land, to be located at 1509 Dividend Road, Interstate Industrial Park, Fort Wayne, Indiana, consisting of 38,500 total sq. ft. of space (the "Project"); and

WHEREAS, J.B. Tool, Die & Engineering, Inc. will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 8 job opportunities with an estimated annual payroll of \$188,000 to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion

of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer. 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,250,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act. 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (1) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant, (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds. 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting, expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: One
Nuckols

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-78-799 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-03-2D (As Amended)

GENERAL ORDINANCE NO. G- 26-79.

AN ORDINANCE regarding Historic Preservation District and amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Article VI, Chapter 33, of the Code of the City of Fort Wayne, Indiana, of 1974, be and the same is hereby amended to be and read as follows:

ARTICLE VI - HISTORIC PRESERVATION DISTRICT

This district is an overlay district and may be established in addition to the underlying districts and shall place additional regulations upon the property located therein.

SECTION 39. PURPOSES

In order to promote the economic and general welfare of the citizens of Fort Wayne and to insure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the City of Fort Wayne that the qualities relating to the history of the City and a harmonious outward appearance of structures which support and enhance property values and attract residents be preserved. Some of these qualities are the continued existence and preservation of historic areas and buildings, the continued construction, reconstruction, and remodeling of buildings in the historic styles and a general harmony as to style, form, proportion, texture and material between the buildings of historic design and those of more modern design. This purpose is advanced through the preservation and protection of the historically or architecturally worthy structures which impart a distinct aspect to the City and which serve as visible reminders of the historic heritage of the City. A Historic District shall apply to the parcel(s) so designated and any structure(s) or appurtenances found thereon. Although this ordinance does not directly relate to the procedures for designation of a structure or area on the National Register of Historic Places, coordination between this

ordinance and the National Register's procedures is strongly encouraged.

SECTION 40. DEFINITIONS

1. Review Board - Fort Wayne Historic Preservation Review Board
2. Certificate of Appropriateness - A certificate issued by the Zoning Enforcement Officer stating that the occupancy, use or alteration of land, building or structure in a Historic District referred to therein complies with the provisions of this chapter.
3. Commission - Fort Wayne City Plan Commission
4. Demolition - The razing of any exterior architectural feature or structure, including its ruining by neglect of necessary maintenance and repairs, or either.
5. Demolition Permit - A permit which authorizes the razing of any exterior architectural feature or structure.
6. Economically Unfeasible - A cost in excess of anticipated return, considering all viable alternatives.
7. Emergency Repair - Replacement of any external component of a primary structure, which if delayed could cause severe damage to the other components of the structure or which would prohibit adequate protection from the weather elements and thus jeopardize the health, welfare or safety of the occupants.
8. Form - The shape and structure of something as distinguished from its material.

- 24 9. Improvement - Any place, structure, building, fixture, or man-made object
 25 which in whole or part constitutes a visually significant exterior
 26 physical betterment, adornment, or enhancement of any real property.
 27 10. Landmark - Any physical feature or improvement designated by the City
 28 Council as such, which in whole or part has historical, social, cultural,
 29 architectural, or aesthetic significance to the City and has been in
 30 existence for no fewer than fifty (50) years.
 31 11. Material - Matter that has qualities which give it individuality and by
 32 which it may be categorized.
- 1 12. Overlay District - A district which imposes requirements in addition to
 2 the regulations of the underlying zoning district.
 3 13. Physically Unfeasible - Lack of existence of labor, material and/or
 4 techniques to perform the work.
 5 14. Planning Department - The Department of Community Development and Planning
 6 or such person authorized.
 7 15. Proportion - Harmonious relation of parts to each other or the whole.
 8 16. Site Improvement - All or any of the landscaping, planting, paving, steps,
 9 fencing, masonry walls, and other significant attributing features on
 10 the site of any structure.
 11 17. Style - A manner of expression characteristic of an individual, period,
 12 school or nation.
 13 18. Texture - The visual or physical surface characteristics and appearance
 14 of a structure.

16 SECTION 41. CREATION OF THE HISTORIC PRESERVATION REVIEW BOARD

- 17 A. The Review Board shall consist of seven (7) members. The voting members
 18 shall be appointed by the Mayor of the City of Fort Wayne and approved
 19 by the Fort Wayne City Council. One member must have Indiana architectural
 20 certification, one member shall be a Real Estate Broker, one member shall
 21 be a contractor licensed by the Fort Wayne/Allen County Building Department,
 22 one member shall be a professional historian, and three members shall be
 23 chosen from the community-at-large. Voting members shall each serve for
 24 staggered terms of three (3) years; however, the initial terms of members
 25 may be for one (1) year, two (2) years, or three (3) years in order for
 26 the terms to be staggered. A vacancy shall be filled through appointment
 27 by the Mayor for the duration of the unexpired term and approved by the
 28 Fort Wayne City Council. No members shall be employed by the City of
 29 Fort Wayne. Members must be residents of the City of Fort Wayne who have
 30 demonstrated an interest in the preservation and development of historic
 31 buildings and areas.
- 1 B. Members of the Review Board shall serve without compensation but shall be
 2 paid for reasonable expenses incurred in the performance of their duties.
- 3 C. The Review Board shall elect from its membership a Chairperson, Vice-
 4 Chairperson and Secretary who shall serve for one (1) year and who may be
 5 reelected. The Review Board shall adopt rules for the transaction of its
 6 business not inconsistent with this Section. The rules must include the
 7 time and place of regular meetings and a procedure for the calling of
 8 special meetings. All scheduled meetings of the Review Board must be
 9 open to the public and a public record shall be kept of the Review Board's
 10 resolutions, proceedings, and actions. The secretary shall be responsible
 11 for the maintenance of the Review Board's records.

- 12 D. Any official action of the Review Board requires a consensus of a majority
 13 of the members. For the Review Board to take action a quorum of four (4)
 14 members must be present.
- 15 E. The Review Board shall hold regular meetings, at least monthly, except
 16 when it has no business.
- 17 F. Each official of the governmental unit who has responsibility for building
 18 inspection, building permits, planning, or zoning shall provide such
 19 technical, administrative and clerical assistance as may be requested
 20 by the Review Board.

21
 22 SECTION 42. ESTABLISHMENT AND REGULATION OF HISTORIC PRESERVATION DISTRICTS

- 23 A. The City Council may by ordinance establish, amend, or rescind one or
 24 more areas or structures of the city as Historic Preservation Districts,
 25 in accordance with the procedures and standards stated in this Article.
 26 A Historic Preservation District is subject to the regulations and res-
 27 trictions imposed by this Article as well as other Articles of this
 28 Ordinance. A Historic Preservation District applies to areas or structures
 29 so established and any appurtenances therein or thereto.
- 30 B. Amendments may be initiated by a petition from the Plan Commission, or by
 31 the owners of 50% or more of the area involved in the petition. Petitions
 32 shall be filed in the Planning Department on the form prescribed by the
 Plan Commission.

- 1 C. Upon receipt by the Review Board, such application shall be forwarded to
 2 the Planning Department, which shall investigate the property which is
 3 the subject of such application and shall prepare a written report for
 4 the Review Board.
- 5 D. At the next regularly scheduled meeting of the Review Board following its
 6 receipt of the Planning Department's report, such application shall be
 7 considered by said Review Board, which shall recommend to the Plan
 8 Commission within 180 days:
 9 (1) that such application be approved as submitted or as modified by
 10 that Review Board, or,
 11 (2) that action be deferred, or,
 12 (3) that such application shall be denied.
- 13 E. The Plan Commission shall hold a public hearing on such petition and
 14 recommendation by the Review Board. At least ten (10) days prior to the
 15 date set for such hearing, the Plan Commission shall publish in a newspaper
 16 of general circulation in the City, a notice of time and place of such
 17 hearing. Following such hearing the Plan Commission shall consider such
 18 petition and shall recommend to the City Council:
 19 (1) that such petition be approved, as submitted or as modified by the
 20 Plan Commission, or,
 21 (2) that action be deferred, or,
 22 (3) that such petition be denied.
- 23 F. Thereafter, an ordinance relative to such petitions shall be prepared
 24 and submitted to the City Council, which shall proceed with the considera-
 25 tion of such proposed ordinance in the same manner and subject to the
 26 same voting requirements as would apply in the case of an ordinance to
 27 rezone land, provided that the City Council may amend such proposed
 28 ordinance prior to its adoption in any manner it may deem necessary to
 29 accomplish the purposes of this section.
- 30 G. A Historic Preservation District shall not be established unless the
 31 proposed area or structure is consistent with the purposes of this Article
 32 and one or more of the following standards.

(1) The presence of one or more styles of architecture: (a) reflecting one or more historical periods; (b) having a unique significance, interest, importance, or value, or; (c) in danger of becoming extinct.

(2) The presence of one or more structures or structural features which are of historical, social, cultural, architectural, or aesthetic significance, interest, importance, or value.

(3) The presence of a distinct historic interest of a local, state, or national character.

SECTION 43. CERTIFICATES OF APPROPRIATENESS

A. In Historic Districts no exterior portion of any structure, (including walls, fences, light fixtures, colors, steps and parking lots or other appurtenant features) utility or sign, shall be erected, altered, restored, moved or demolished until an application for a Certificate of Appropriateness has been submitted to and approved by the Review Board.

B. Nothing in this Article shall be construed to prevent the ordinary repairs and maintenance of any such structure.

C. An application for a Certificate of Appropriateness shall be filed in the Planning Department on the form prescribed by the Review Board. Within ten (10) days of receipt, such application shall be forwarded to the Review Board for consideration. The Review Board or Planning Department may require submission of such reports and exhibits as are reasonably necessary in making a determination as to appropriateness. For construction, alteration or renovation in Historic Districts, the Review Board shall consider an application for a Certificate of Appropriateness within thirty (30) days following the receipt of the application.

D. A Certificate of Appropriateness shall not be issued unless the Review Board finds that the proposed work is appropriate and consistent with the purposes of this Article and after considering the following standards:

(1) The effect of the proposed work in creating, changing, destroying, or affecting the exterior architectural features of the structure upon which such work is to be done,

(2) The relationship between such exterior architectural features, together with such effects, and the exterior architectural features of the structure,

(3) The relationship between the results of such work and the exterior architectural features of any other, neighboring structures in such district,

(4) The effects of such work upon the preservation, protection, enhancement, perpetuation, and use of the structure.

In appraising such effects and relationships, the factors of historical, social, cultural, architectural, and aesthetic significance, interest, importance, and values, and architectural style, design, arrangement, texture, material and color shall be considered. The Review Board may adopt other criteria to follow in the review of applications for Certificate of Appropriateness as it deems appropriate.

E. In the event the Building Department, the Fire Department, the City/County Health Department, or any agency of the City/County, or any Court having jurisdiction thereof, (a) shall determine that a structure or any part thereof within a Historic Preservation District is hazardous or dangerous to the health and safety of persons or to property, and, (b) having authority to do so, shall order the construction, reconstruction, alteration, or demolition of any such structure, or part thereof to correct the conditions determined to be hazardous or dangerous, nothing in this Article shall be so construed as making it unlawful for any person without the prior issuance of a Certificate of Appropriateness to comply with such order to the extent that such compliance corrects the conditions so determined to be hazardous or dangerous, (c) any agency of the City issuing such an order shall make every effort to insure that the construction, reconstruction, alteration, or demolition is accomplished in keeping with the spirit of this ordinance whenever possible.

30 F. Any agency of the City issuing such an order shall give the Review Board
31 notice of its order or proposed order. No agency of the City shall issue
32 such an order to any person not having a Certificate of Appropriateness

1 for such work within a Historic Preservation District when there is
2 sufficient time to apply for and obtain a Certificate of Appropriateness
3 nor issue such an order for work which would be more than necessary to
4 correct such hazardous or dangerous conditions.

5 G. For demolition within a Historic Preservation District such application
6 for a Certificate of Appropriateness shall be filed with the Planning
7 Department on the form prescribed by the Review Board. Within ten (10)
8 days of receipt, such application shall be scheduled with the Review Board
9 for consideration. The Review Board or Planning Department may require
10 submission of such reports and exhibits as are reasonably necessary in
11 making a determination as to appropriateness. A demolition permit shall
12 not be issued until the Review Board takes one of the following actions:
13 (1) If preservation is found to be physically or economically unfeasible,
14 the Review Board shall authorize issuance of a demolition permit.
15 (2) If preservation is found to be physically or economically feasible,
16 the Review Board shall delay such action for a period not to exceed
17 one (1) year, during which time it shall take whatever public or
18 private action is within its power leading to preservation.
19 If after sixty (60) days the Review Board has not taken final action, the
20 City/County Building Department may treat such application as though
21 demolition has been authorized by the Review Board. Notice shall be
22 posted on the premises of the building or structure proposed for demolition
23 in a location clearly visible from the street. In addition, notice shall
24 be published in a newspaper of general local circulation at least three
25 (3) times prior to demolition, the final notice of which shall be not
26 less than fifteen (15) days prior to the date of the permit, and the
27 first notice of which shall be published no more than fifteen (15) days
28 after the application for a permit to demolish is filed. The purpose of
29 this section is to preserve historic buildings which are important to the
30 education, culture, traditions and the economic values of the governmental
31 unit, interested persons, historical societies or organizations the
32 opportunity to acquire or to arrange for the preservation of such buildings.

1 The Review Board may at any time during such stay approve a Certificate of
2 Appropriateness in which event a permit shall be issued without further
3 delay and demolition may proceed.

4 H. Any person or party aggrieved by a decision made by the Historic Preserva-
5 tion Review Board upon an application for Certification of Appropriateness
6 shall be entitled to a review thereof by the Board of Zoning Appeals
7 of the City in accordance with the provisions of this Section. Such review
8 may be had by filing a petition for review with the Board of Zoning Appeals
9 within fifteen (15) days after receipt of notice that such determination
10 is made by the Historic Preservation Review Board. The Board of Zoning
11 Appeals shall consider such petition and shall limit its review to whether
12 the decision is arbitrary, capricious, an abuse of discretion, or otherwise
13 not in accordance with law. The Board of Zoning Appeals may affirm,
14 remand, or reverse its decision. Any person or party aggrieved by the
15 decision and the order of the Board of Zoning Appeals may appeal to the
16 Allen Circuit Court or Allen Superior Court within thirty (30) days after
17 the date of the decision and the order of the Board of Zoning Appeals
18 pursuant to Indiana law as provided in such cases.

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SECTION 44. PRE-EXISTING HISTORIC DISTRICTS

In accordance with this section the original amended maps shall designate previous Historic Districts approved by City Council as part and subject to this ordinance.

SECTION 45. ENFORCEMENT & PENALTIES

The procedure for enforcement of this article shall follow Article V, Section 23 and 25 of this ordinance.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.

John Nuckols

Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: One

Burns

Date: 11-27-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-26-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-10-27

SPECIAL ORDINANCE NO. S 201-79

AN ORDINANCE approving a contract for
Water Contract No. 7909, between the
City of Fort Wayne, Indiana and Bercot,
Inc. for construction of water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain contract, dated October 15, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Bercot, Inc., for:

installation of water main on 13th Street from
Baer Field Thruway southward approximately 1950 ±
L.F.,

under Board of Public Works Water Contract No. 7909, at a total cost of \$65,248.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-201-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-25

SPECIAL ORDINANCE NO. S-202-79

AN ORDINANCE approving a blanket purchase
order - City Utilities Purchase Order No.
B-1443 for electric lamps for the City Street
Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the blanket purchase order - City Utilities Purchase Order No. B-1443, dated October 17, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Central Supply Company, Inc., for:

Electric Lamps for year 1980 for Street Lighting Department,

all as more particularly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne Indiana as Special Ordinance No. S-202-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-26

SPECIAL ORDINANCE NO. S-203-79

AN ORDINANCE approving blanket City Utilities Purchase Order Nos. B-1451 to B-1459, inclusive, for purchase of chemicals for Three Rivers Filtration Plant 1980 requirements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the City Utilities Blanket Purchase Orders, numbered and listed below, dated October 25, 1979, between the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of chemicals for Three Rivers Filtration Plant, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.U.P.O.#</u>
Husky Industries	B-1451
Ulrich Chemical, Inc.	B-1452
Cities Service Company	B-1453
Marblehead Lime Company	B-1454
Van Waters & Rogers	B-1455
Herbert Verkamp Chemical Co.	B-1456
Ulrich Chemical Company	B-1457
Ulrich Chemical Company	B-1458
Ulrich Chemical Company	B-1459

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns; seconded by V. Schmidt, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 11-27-79
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-203-79 on the 27th day of November, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne
Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-27

SPECIAL ORDINANCE NO. S-204-79

AN ORDINANCE approving City Utilities Purchase Order No. 1432 with Industrial Tractor & Equipment Company, Inc. for Backhoe Trailers for Water Pollution Control Maintenance Department and Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,

SECTION 2. That City Utilities Purchase Order No. 1432, dated October 9, 1979, between

the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Industrial Tractor & Equipment Company, Inc., for:

Three 1979 Dakota Model #1080-20 Backhoe Trailers,
Two for Water Maintenance & Service Department and
One for Water Pollution Control Maintenance Department,

at a cost of \$13,066.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-204-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-28

SPECIAL ORDINANCE NO. S-205-79

AN ORDINANCE approving City Utilities
Purchase Order No. 1445 with Weiss Machinery
Corporation for Backhoe Loaders for the
Water Maintenance & Service Department and
the Water Pollution Control Maintenance
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That City Utilities Purchase Order No. 1445, dated October 18, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Weiss Machinery Corporation, for:

Three 1979 Case Model 580C Backhoe Loaders, Two for
Water Maintenance & Service Department and One for
the Water Pollution Control Maintenance Department,

at a cost of \$59,205.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Burns and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-205-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-10-13

ANNEXATION ORDINANCE NO. X-11-79

AN ORDINANCE annexing certain territory,
commonly known as The Park, to Fort Wayne,
and including the same in Councilmanic
District No. 3

WHEREAS, the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

Section 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of Section 5, 7, 8 and 17 in St. Joseph Township 31 North, Range 13 East, in Allen County, more particularly described as follows, to-wit:

Beginning at a point which is the intersection of the centerline of the St. Joseph River and the extension East of the North boundary line of Concordia Gardens, thence West along the North boundary line of Concordia Gardens to the East right-of-way line of Leo Road; thence Northeast along the East right-of-way line of Leo Road to the South line of "The Meadows In The Park" as recorded in Book 43, Pages 3-7, in the Office of the Recorder of Allen County; thence S 66 degrees 58' 00" East a distance of 556.52', thence S 85 degrees 22' 26" East a distance of 104.81', thence N 72 degrees 37' 47" East a distance of 124.56', thence S 35 degrees 47' 01" East a distance of 788.28'; thence N 87 degrees 31' 30" East a distance of 290.37', thence N 43 degrees 46'30" East a distance of 458.38'; thence N 46 degrees 13' 30" East a distance of 139.78' to a point on the East line of Section 7-31-13, thence North along the East line of Section 7 to the centerline of said Section 7, thence West along centerline of Section 7 to the East right-of-way line of Leo Road; thence Northeasterly along

the East right-of-way line of Leo Road to the intersection of the North line of Section 8-31-13; thence East along the North line of said Section 8 to the West line of Bouries Reserve; thence southerly along the West line of Bouries Reserve a distance of 636'; thence South 70 degrees East a distance of 1000', thence South 18 degrees East a distance of 800', thence at a deflection to the left of 38 degrees 32' a distance of 700'; thence at a deflection to the right of 90 degrees 01' 30" on a line extended to the centerline of the St. Joseph River, thence following the centerline of the St. Joseph River in its meanderings to the point of beginning. An area of approximately 347 acres more or less.

Section 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

Section 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

Section 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

Section 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-11-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-14

RESOLUTION NO. R-79-79

A RESOLUTION of the Common Council setting
forth the policy of the City in regard to the
annexation of The Park

WHEREAS, the annexation of territory to the City is a legislative function and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of The Park annexation area, more specifically described, to-wit:

Parts of Sections 5, 7, 8 and 17 in St. Joseph Township 31 North, Range 13 East, in Allen County, more particularly described as follows, to-wit:

Beginning at a point which is the intersection of the centerline of the St. Joseph River and the extension East of the North boundary line of Concordia Gardens, thence West along the North boundary line of Concordia Gardens to the East right-of-way line of Leo Road; thence Northeast along the East right-of-way line of Leo Road to the South line of "The Meadows In The Park" as recorded in Book 43, Pages 3-7, in the Office of the Recorder of Allen County; thence S66 degrees 58' 00" East a distance of 556.52'; thence S 85 degrees 32' 26" East a distance of 104.81'; thence N 72 degrees 37' 47" East a distance of 124.56'; thence S 35 degrees 47' 01" East a distance of 788.28'; thence N 87 degrees 31' 30" East a distance of 290.37'; thence N 43 degrees 46' 30" East a distance of 458.38'; thence N 46 degrees 13' 30" West a distance of 53.73'; thence N 43 degrees 46' 30" East a distance of 1139.78' to a point on the East line of Section 7-31-13; thence North along the East line of Section 7 to the Centerline of said Section 7; thence West along the centerline of Section 7 to the East right-of-way line of Leo Road, thence Northeasterly along the East right-of-way line of Leo Road to the intersection of the North line of Section 8-31-13, thence East along the North line of said Section 8 to the West line of Bouries Reserve; thence southerly along the West line of Bouries Reserve a distance of 636', thence South 70 degrees East a distance of 1000'; thence South 18 degrees East a distance of 800'; thence at a deflection to the left of 38 degrees 32' a distance of 700'; thence at a deflection to the right of 90 degrees 01' 30" on a line extended to the centerline of the St. Joseph River, thence following the centerline of the St. Joseph River in its meanderings to the point of beginning. An area of approximately 347 acres more or less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of The Park annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R5679 with regard to the provision of non-capital and capital services to the annexation area.
2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.
3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.
4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of The Park annexation ordinance.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 11-27-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-79-79 on the 27th day of November, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of November, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-12-01

SPECIAL ORDINANCE NO. S-206-79

AN ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES
1979 (THE CLASSIC COMPANY, INC. PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for The Classic Company, Inc. Project regarding the financing of proposed economic development facilities for The Classic Company, Inc. and the Fort Wayne Planning Commission has commented favorably thereon and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on September 25, 1979, and also adopted a resolution on December 6, 1979, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of The Classic Company, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Series 1979 Note, Mortgage and Indenture of Trust, now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to Carl Bennett for the acquisition and construction of such facilities and the equipping thereof, the payment of said series of revenue bonds by the rent payments of The Classic Company, Inc. under the Loan Agreement and Series 1979 Note, the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Series 1979 Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and

all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, Series 1979 (The Classic Company, Inc. Project), in the total principal amount of Eight Hundred Thousand Dollars (\$800,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rent payments made by The Classic Company, Inc., under the Loan Agreement, and the Series 1979 Note, or as otherwise provided in the above described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller authorized and directed to sell such bonds to the underwriters at a rate of interest on the bonds not to exceed 9% per annum and at a price not less than 97% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1979 (The Classic Company, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman.

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Tlarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-206-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-32

SPECIAL ORDINANCE NO. S-207-79

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS \$1,250,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BOND (3701 ASSOCIATES PROJECT) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne Economic Development Commission has been duly created by the City of Fort Wayne, Indiana, and the members of the Commission have been duly appointed and qualified pursuant to law, and

WHEREAS, the City of Fort Wayne Economic Development Commission has prepared and filed with the Allen County Plan Commission its report entitled "Report of the City of Fort Wayne Economic Development Commission Concerning the Proposed Financing of Economic Development Facilities for 3701 Associates, as agent for Anthony Wayne Bank, not individually but solely in its capacity as Trustee under Trust Agreement dated July 12, 1979, known as Trust No. 787", and

WHEREAS, the economic development facilities to be financed will be held by Anthony Wayne Bank, as Trustee under the aforescribed Trust Agreement, Trust No. 787, and

WHEREAS, the beneficiaries under the aforescribed Trust Agreement, Trust No. 787 are James J. Schenkel, Richard D. Shultz, Michael C. Dahm and Cooper, Brandt, Brunner, Fanger, Gaskill and Hartman, a partnership, who are the partners comprising 3701 Associates, and

WHEREAS, the City Plan Commission has filed its written comments concerning the proposed economic development facilities and approving the same; and

WHEREAS, the City of Fort Wayne Economic Development Commission, after a public hearing conducted on November 20, 1979, adopted a Resolution on the same date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of 3701 Associates complies with the purposes and provisions of I.C. 1971, 1864.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the City of Fort Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this Common Council the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust and Guaranty Agreement; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found and determined that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of \$1,250,000 Economic Development First Mortgage Revenue Bonds of the City of Fort Wayne, the loan of the net proceeds thereof to 3701 Associates for the construction and equipment of such facilities, the payment of principal, premium, if any, and interest on such bond from note payments pursuant to the Promissory Note, executed by 3701 Associates as required by the Loan Agreement, Mortgage and Security Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee named in the Indenture of Trust, all as previously approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, will be of benefit to the health and welfare of the City of Fort Wayne and its citizens and complies with the purposes and provisions of the Act.

SECTION 2. The forms of the Loan Agreement, Mortgage, and Security Agreement, the Indenture of Trust and the Guaranty Agreement approved by the City of Fort Wayne Economic Development Commission are hereby approved. Such documents collectively shall be considered the "Financing Agreement" referred to in the Act. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

SECTION 3. The City of Fort Wayne hereby determines that an economic development first mortgage revenue bond shall be issued pursuant to the Act in the principal amount of \$1,250,000 for the aforesaid purpose. Such bond shall be designated "City of Fort Wayne Economic Development First Mortgage Revenue Bond (3701 Associates Project)" (the "Bond"), and shall be issued for the purpose of procuring funds to pay the costs of construction and equipment of the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust incorporated herein by reference, which Bond shall be issued in the form and denomination and shall be executed, dated, be subject to redemption on the dates and at the

prices as provided in the above described Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust. The Bond will be payable as to principal, premium, if any, and interest from the note payments made by 3701 Associates under the Promissory Note, the Loan Agreement, Mortgage and Security Agreement, and from other revenues and income realized under the Loan Agreement, Mortgage and Security Agreement, or as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement and the Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne. Additional bonds may be authorized and issued by the City upon the terms provided in the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust.

SECTION 4. The Mayor and the City Clerk are authorized and directed to sell the Bonds to the purchasers thereof at a rate of interest not to exceed 8 1/2% per annum and at a price of 100% of the principal amount thereof. The Bonds shall be scheduled to mature in monthly installments over a period of fifteen years, as more specifically set forth in the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust. Payments of principal of, premium, if any, and interest on the Bonds shall be made in the manner and on the dates prescribed in the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust.

SECTION 5. The Mayor and the City Clerk be and they are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City of Fort Wayne and any other document which may be necessary or desirable to consummate the transaction including, without implied limitation, the Bond authorized herein and financing statements to be utilized in connection with the perfection of security agreements. The forms of the document constituting the Financing Agreement shall be subject to such changes as are not inconsistent with this Ordinance and as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution of such documents by the Mayor and/or the City Clerk. The signatures of the Mayor and the City Clerk on the Bond and coupons, if any, may be facsimile signatures. The City Clerk is authorized to arrange for delivery of the Bond to the Trustee named in the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust, for delivery to the purchasers thereof against payment therefor to such Trustee.

SECTION 6. The principal proceeds of the sale of the Bond shall be deposited with and held by the Trustee and applied by the Trustee in accordance with the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust. The Trustee is hereby authorized to disburse funds held under the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust on behalf of the Issuer in accordance with said Indenture.

SECTION 7. The provisions of this Ordinance and the Loan Agreement, Mortgage and Security Agreement, and the Indenture of Trust securing the Bond shall constitute binding between the City of Fort Wayne and the holder or holders of the Bond, and after the issuance of the Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders as long as any portion of the Bond or the interest thereon remains unpaid.

SECTION 8. The actions of the Mayor or any other officer of the City in doing any and all acts necessary in connection with the construction and equipping of the Project and the issuance of the Bond are hereby ratified and confirmed.

SECTION 9. The proper officers, agents and employees of the City are hereby authorized empowered and directed to do all such acts and things and to execute all such documents as may be necessary in connection with the construction and equipping of the Project and the issuance of the Bond.

SECTION 10. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 11. It is hereby found and determined that all official actions of this Common Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Common Council, and that all deliberations of this Common Council and of any of its committees, if any, that resulted in such official action were taken in meetings open to the public, in full compliance with applicable legal requirements, including I.C. 5141.57.

SECTION 12. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-207-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-33 - AS AMENDED

SPECIAL ORDINANCE NO. S-208-79

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS \$4,000,000.00 ECONOMIC
DEVELOPMENT REVENUE BONDS (GENOVA, INC.
PROJECT) AND APPROVING AND AUTHORIZING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne Economic Development Commission has been duly created by the City of Fort Wayne, Indiana and the members of the Commission have been duly appointed and qualified pursuant to law, and

WHEREAS, the Fort Wayne Economic Development Commission has prepared and filed with the Allen County Plan Commission its report entitled "Report of the City of Fort Wayne Economic Development Commission Regarding Facilities to be Constructed for Genova, Inc.", and

WHEREAS, the Allen County Plan Commission has filed its written comments concerning the proposed economic development facilities and approving the same, and

WHEREAS, the Fort Wayne Economic Development Commission, after a public hearing conducted on November 20, 1979, adopted a Resolution on December 6, 1979, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Genova, Inc. complies with the purposes and provisions of I.C. 18-6.4.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the welfare of the City, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance and has approved and has transmitted for approval by this Common Council forms of a Loan Agreement, Indenture, Bond Purchase Contract, Mortgage and Security Agreement and Mortgage Note all relating to the financing of such economic development facilities, now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the building, equipment and facilities in connection therewith (the "Project") to be acquired and constructed with the proceeds of the Economic Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition and construction of the Project will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new industries

in such area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project.

Section 2. Authorization of Economic Development Revenue Bonds. In order to pay a portion of the cost of acquiring and constructing the Project, there are hereby authorized to be issued, sold and delivered \$4,000,000 aggregate principal amount of Economic Development Revenue Bonds (Genova, Inc. Project) of the City (the "Bonds"). Any additional costs of the Project will be paid for by the Company.

Section 3. Terms for the Bonds. The total principal amount of Bonds that may be issued is hereby expressly limited to \$4,000,000.

The Bonds shall be issuable in fully registered form, shall bear interest until paid at the rate of 7.6% per annum payable quarterly from their date and shall mature in quarterly installments in each of the years set forth below and in the principal amount set opposite each year, as follows:

<u>Year</u>	<u>Principal Amount</u>
1	\$ 0
2	100,000 payable in 4 equal quarterly installments
3	400,000 payable in 4 equal quarterly installments
4	500,000 payable in 4 equal quarterly installments
5	500,000 payable in 4 equal quarterly installments
6	500,000 payable in 4 equal quarterly installments
7	500,000 payable in 4 equal quarterly installments
8	500,000 payable in 4 equal quarterly installments
9	500,000 payable in 4 equal quarterly installments
10	500,000 payable in 4 equal quarterly installments

Each Bond shall be dated December 1, 1979; otherwise, each Bond shall be dated as of the interest payment date to which interest has been paid next preceding the date on which it is delivered unless it is delivered on an interest payment date, in which case it shall be dated as of such date. Principal and interest and premium, if any, shall be payable at the principal office of the Trustee in Fort Wayne, Indiana.

The Bonds shall be executed, shall be in such form, shall have such redemption provisions, and shall be subject to such other terms and conditions as set forth in the Indenture. The Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but are limited obligations of the City payable solely from revenues and other amounts derived from the Loan Agreement and shall be secured as provided in the Indenture, the Mortgage and Security agreement and the Mortgage Note. Forms of the Loan Agreement, the Indenture, the Mortgage and Security Agreement and the Mortgage Note are before this meeting and are by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 4. Sale of the Bonds; Bond Purchase Contract. The Mayor and City Clerk of the City are hereby authorized and directed to sell the Bonds to or upon the order of the purchasers named in the Bond Purchase Contract at a price of \$4,000,000, plus accrued interest, if any to the date of delivery and payment. The form of the Bond Purchase Contract is before this meeting and is by reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert it into the minutes of the Common Council and to keep it on file. The Mayor and City Clerk shall execute and deliver a Bond Purchase Contract in substantially the form submitted to this Common Council which is hereby approved in all respects.

Section 5. Indenture. In order to secure the payment of the principal of and interest on the Bonds, the Mayor and City Clerk shall execute, acknowledge and deliver, in the name and on behalf of the City, an Indenture in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 6. Loan Agreement. In order to provide for the loan of the proceeds of the Bonds to acquire and construct the Project and the payment by the Company of an amount sufficient to pay the principal and premium, if any, and interest on the Bonds, the Mayor and City Clerk shall execute, acknowledge and deliver in the name and on behalf of the City a Loan Agreement in substantially the form submitted to this Common Council which is hereby approved in all respects.

Section 7. Acceptance of Mortgage and Security Agreement and Mortgage Note. In connection with the Bonds, the City accepts as security for such Bonds the Mortgage and Security Agreement

and Mortgage Note of the Company. The Mortgage and Security Agreement and Mortgage Note shall be in substantially the forms presented to this Common Council and hereby approved in all respects.

Section 8. General. The Mayor, City Clerk and other officers and employees of the City be and they are each hereby authorized and directed, in the name and on behalf of the City, to execute any and all instruments, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and construction of the Project by the Company, the issuance and sale of the Bonds, and the securing of the Bonds under the Indenture.

Section 9. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote.

Ayes: Seven
Burns Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-208-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-34

SPECIAL ORDINANCE NO. S-209-79

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for stone, sand, top soil and various aggregates for various departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated November 15, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for the purchase of 1980 requirements for stone, sand, top soil and various aggregates for various departments of the City, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P.O.#</u>
Klink Trucking, Inc.	B4-07034	B-1553
May Stone & Sand, Inc.	B4-07036	B-1554

Paul C. Brudi Stone & Gravel

B4-07037

B-1551

Midwest Aggregates Corp.

B4-07035

B-1552

Canyon Sand & Gravel, Inc.

B4-07038

B-1556

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Absent: Two

Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-209-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-35

SPECIAL ORDINANCE NO. S-210-79

AN ORDINANCE approving Civil City and
City Utilities Purchase Orders for
vehicles for various departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Purchase Orders, numbered and listed below, dated November 16, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and Hefner Chevrolet, Inc. for the purchase of vehicles for various departments of the City, in the amounts as hereafter set out, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>Purchase Order No.</u>	<u>Vehicle Type</u>	<u>Amount</u>
C.U.P.O. #1541	'80 Monza Two-Door Hatchback	\$ 5,000.00
C.U.P.O. #1542	'80 Chev. Pickup Truck	13,842.00

C.U.P.O. #1543	'80 Monza Two-Door Hatchback	10,000.00
C.C.P.O. #4-07005i	'80 Chev. Pickup Truck	7,873.00
C.C.P.O. #4-07006	'80 Monza Two-Door Hatchback	<u>10,000.00</u>
TOTAL		\$46,715.00

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-210-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-36

SPECIAL ORDINANCE NO. S-211-79

AN ORDINANCE approving blanket Civil City
and City Utilities Purchase Orders for
1980 Gasoline Requirements for various
departments of the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City and City Utilities Blanket Purchase Orders, numbered and listed below, dated November 5, 1979, between City Purchasing Director, City Utilities Purchasing Agent, respectively, and the Board of Public Works and the following companies for 1980 gasoline requirements for various departments of the City, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.C.P.O.#</u>	<u>C.U.P O.#</u>
Summit City Standard	B4-07009	B-1521
Smith Petroleum	B4-08010	B-1522
Lassus Brothers	B4-07011	B-1523
Superior Energy	B4-07012	B-1524
Inland Oils	B4-07013	B-1525
McIntosh Oil Company	B4-07114	B-1526

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Vivan G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-211-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-37

SPECIAL ORDINANCE NO. S-212-79

AN ORDINANCE approving Change Order
No. 1 Sewer Improvement Resolution No.
307-79 in connection with Ranchwood, Phase I
Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Sewer Improvement Resolution No. 30779, to TG Excavating, Inc., in connection with Ranchwood, Phase I Sanitary Sewer, for:

additional material and installation of same in order
to give sewer service to one block area in Ranchwood,
unintentionally omitted from original petition for this
this area,

in the amount of \$23,335.60, as set out in the specifications is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-212-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79--11-38

SPECIAL ORDINANCE NO. S-213-79

AN ORDINANCE approving a contract for Improvement Resolution No. 5836-79, between the City of Fort Wayne, Indiana and F.E. Gates Company, DBA Structural Concrete Services, Contractor for repair of City-County Building Parking Plaza

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE INDIANA

SECTION 1. That a certain contract, dated November 14, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and F.E. Gates Company, DBA Structural Concrete Services, Contractor, for:

Repairing cracks and joints in the surface of the
CityCounty Building Parking Plaza

under Board of Public Works Improvement Resolution No. 583679, at a total cost of \$27,940.60, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

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Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-213-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-39

SPECIAL ORDINANCE NO. S-214-79

AN ORDINANCE approving Change Order
No. 1, in connection with the Civic Center
Parking Garage.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Change Order No. 1 to Martindale, Tourney, Gibson Inc., Architects, Engineers & Planners, for Hagerman Construction Corporation, in connection with the Civic Center Parking Garage, for:

construction of one additional bay to east end of garage,
to increase parking capacity in accordance with agreements
with I & M and Peoples Trust Bank,

in the amount of \$94,555.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote.

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-214-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-40

SPECIAL ORDINANCE NO. S-215-79

AN ORDINANCE approving an Agreement to
Purchase by Robert E. and L.L. Martin

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Agreement to Purchase dated June 21, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Robert E. and L.L. Martin for:

Lot 10, Tremmel's Addition, known as 2525 South Hanna
Street,

for a gain to the City of \$125.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Moses, Hunter

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-215-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-41

SPECIAL ORDINANCE NO. S-216-79

AN ORDINANCE approving an Agreement to
Purchase Real Estate by Jesus Name Church
and Cordis Middleton from the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Agreement to Purchase Real Estate dated July 31, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Jesus Name Church and Cordis Middleton, for the purchase by the church from the City of the following described real estate:

N1/2 Lot 5, Green and Forbing's Addition

for the total cost of \$125.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That Special Ordinance No. S-144-79 is hereby repealed.

SECTION 3. That this ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses
Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-216-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-42

SPECIAL ORDINANCE NO. S-217-79

AN ORDINANCE approving an Agreement to
Purchase Real Estate by Eugen A. Bondarenko
from the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Agreement to Purchase Real Estate dated June 22, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Eugen A. Bondarenko, for the purchase by Bondarenko from the City of the following described real estate:

Lot 77, South 22.25' and Lot 78, North 21 2/3' LaSalle's
Addition to the City of Fort Wayne, Allen County,
Indiana

for the total cost of \$125.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That Special Ordinance No. S-116-79 is hereby repealed.

SECTION 3. That this ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moscs

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-217-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-43

SPECIAL ORDINANCE NO. S-218-79

AN ORDINANCE approving a certain bid document for purchase of police uniforms for Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document Ref. No. 912, dated November 15, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and The Uniform House, Inc., for Police Uniforms and Equipment for 1980, all as more particularly set forth in said bid document Ref. No. 912 and Blanket Purchase Order No. 407030E, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-218-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-11-46

RESOLUTION NO. R-80-79
A RESOLUTION amending Article II, Chapter 2 of the Code of the City of Fort Wayne, Indiana of 1974 (Rules of the Common Council) by adding thereto a new Division 6. "Procedure for designating an urban development area pursuant to I.C. 6-1.1-12.1-2"

WHEREAS, Chapter 12.1 et seq. as added to I.C. 6-1.1 P.L. 69, Acts of 1977 of the General Assembly of the State of Indiana, authorizes certain deductions against local ad valorem real estate taxes property located within an area which is duly designated an "urban development area" as defined in I.C. 6-1.1-12.1 (1); and,

WHEREAS, Section 6 of P.L. 56, Acts of 1979 amends I.C. 6-1.1-12.1-2 so as to transfer from the Redevelopment Commission to the Common Council the authority to determine that a particular area qualifies to be designated an "urban development area" as defined in I.C. 6-1.1-12.1 (1) while retaining in the case of second class cities the provision that the procedure to be followed be the same as the procedures required of the Redevelopment Commission for designating blighted areas proposed for redevelopment under I.C. 18-7-7-12 and 15; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is mindful of the fact that it is not equipped or staffed to conduct the studies and collect, process, and produce the data and analyses or otherwise proceed in the fashion prescribed by I.C. 18-7-7-12 and 15, and,

WHEREAS, the foregoing can be accomplished by amending the Rules of this Council, as found in Article II, Chapter 2, of the 1974 Code, to prescribe a workable procedure for dealing with the designation of "urban development areas" which fits the situation of this body, makes maximum practical use of the available assistance of the particularly qualified and experienced administrative agency and keeps to the spirit of I.C. 6-1.1-12.1-1.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WYANE, INDIANA:

SECTION 1. That Article II, Chapter 2 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new Division 6, which shall be and read as follows, to wit:

"Division 6. Procedure for designating an 'Urban Development Area' pursuant to I.C. 6-1.1-12.1-2."

(a) Whenever a property owner desires that the area in which his property is located be designated an "Urban Development Area" as defined in I.C. 6-1.1-12.1-1 (1), he shall initiate the procedure as follows:

First, the property owner shall pay a filing fee to the City Clerk in the amount of fifty dollars (\$50.00) and obtain a receipt for same, except where the property is an owner occupied single family project as provided in IC 6-1.1-12.1-5(f),

Second, he shall file his petition for such designation with the City Clerk, with the City Controller's receipt for payment of such filing fee attached. The City Clerk shall furnish an appropriate form for such petition on request.

(b) Upon receipt of such petition and receipt, the City Clerk shall:

(1) Note the time and date of the filing thereof on the face of such petition and in a special book kept by him for such purpose,

(2) Forward the petition and receipt to the Law Department of the City with a request for the preparation and return to said Clerk of a bill for a Declaratory Resolution which designates the Urban Development Area petitioned for;

(3) Upon receipt from the Law Department of the Petition, Receipt and Bill for a Resolution said Clerk shall include the same in the new business portion of the agenda of Common Council at its next regular meeting, thus:

(i) The petition shall constitute a communication under 1974 City Code Sec. 218(e)(6);

(ii) The Bill for the Declaratory Resolution shall be processed the same as an ordinance under 1974 City Code Sec. 2-40.

(4) The City Clerk shall also establish and apply to such bills, Resolution, and petitions, a system of numbering corresponding to the prescribed by 1974 City Code Sec. 231, using the prefix "D".

(c) Upon the introduction of the Petition and bill for Declaratory Resolution, they shall be referred to the Common Council's Committee on Finance and to the Redevelopment Commission for public hearing and recommendation.

(d) The Redevelopment Commission, upon receipt of a petition and Resolution as per the foregoing shall proceed as follows:

(1) Set the matter for public hearing at the next convenient opportunity;

(2) Publish notice once a week for two (2) consecutive weeks in a local newspaper of general circulation of the date, time and place and subject matter of such hearing,

(3) Conduct a public hearing pursuant to such notice, on the question of whether such Resolution should be adopted, and what its recommendation to the Common Council should be in such regard.

(4) At such hearing receive, hear and consider all objections to and remonstrances against passage of such Resolution by the Common Council, as well as the evidence and arguments submitted by the Petitioner and any who support him, both oral and in writing;

(5) Cause its staff to prepare or obtain appropriate maps, plats, property lists, appraisals, assessed valuations, analyses and other material and data pertinent to or useful in determining whether granting the petition will be of public utility and benefit as required by state law (I.C. 18-7-12).

(6) Arrive at a conclusion as to the public utility and benefit of the petitioned proposal, or the lack thereof.

(e) (1) The Redevelopment Commission may recommend amendments, changes or modifications in the Declaratory Resolution and (2) shall take final, formal action upon the Resolution to return it to the Common Council with its written recommendations as to any such

modifications and as to whether the Resolution should be finally confirmed by Common Council. This may be put in the form of a recommendation that the bill for Resolution "Do Pass or Do Not Pass". The Redevelopment Commission's action in such regard shall be in the form of a formal resolution adopted by it in open meeting by a favorable vote of at least a majority of its members present and voting, and shall contain, in summary form, its reasons for its recommendation, including any recommendation that the Declaratory Resolution be amended, changed, or modified, in any way.

(f) Upon receipt from the Redevelopment Commission of its report and recommendation by the Common Council, such report shall be included in the communications to the Council and the Declaratory Resolution shall be a part of the current business of the Council's Committee on Finance. Such report shall be considered by the Council's Committee on Finance at the earliest convenient date and shall be treated by such Committee in the same manner as any other Bill. If reported out favorably by the Committee on Finance, the Declaratory Resolution shall be placed upon its passage. If then passed according to the rules of said Common Council, the same shall constitute final confirming action by the Common Council determining the public utility and benefit of the Urban Development Area proposed by the Declaratory Resolution; provided, however if the Common Council amends the resolution then it may be returned to the Redevelopment Commission with a written statement of the reasons for its amendment.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-80-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-04

RESOLUTION NO. R-81-79

A RESOLUTION finding determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$825,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds

from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company, and

WHEREAS, Wayne Warehousing & Cartage, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a public warehouse and local cartage located at 6900 Nelson Road Allen County, Indiana, on approximately 7.83 acres of land (the "Project"); and

WHEREAS, Wayne Warehousing & Cartage, Inc. will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 19 job opportunities with an estimated annual payroll of \$250,000 to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$825,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant, (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moscs

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-81-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-07

RESOLUTION NO. R-82-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$500,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 186-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company, and

WHEREAS, PensCo. Properties, a partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for wholesale distributors of writing instruments and office supplies, located at Collins and Projects Drive, Allen County, Indiana on approximately 2.99 acres of land (the "Project"); and

WHEREAS, PensCo. Properties, a partnership will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 12 job opportunities with an estimated annual payroll of \$89,856 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$500,000 of the Issuer under the Act for the

acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant, (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-82-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-08

RESOLUTION NO. R-83-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,950,000 Economic Revenue Bonds of the City of Fort Wayne Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition construction and equipping of said facilities either

directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Teco, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for manufacturing and assembly space for vehicle-mounted elevated rotating work platforms, located at 9733 Indianapolis Road, Allen County, Indiana, (the "Project"), and

WHEREAS, Teco, Inc. will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 20 job opportunities with an estimated annual payroll of \$300,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,950,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage this inducement resolution including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Absent: Two

Hutner, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-83-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-09

RESOLUTION NO. R-84-79

A RESOLUTION authorizing the transfer of
funds from the Controller's 1979 Budget
Line 402-010-002-4510 "Insurance" to
Line 402-010-002-4294 "Election Expenses"

WHEREAS, it has become necessary to transfer \$60,000.00 from the Controller's 1979 Budget Line 402-010-002-4510 "Insurance" to Line 402-010-002-4294 "Election Expenses" to cover the cost of Primary and General Elections.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT INDIANA:

SECTION 1. That there is hereby transferred \$60,000.00 from the Controller's 1979 Budget Line 402-010-002-4510 "Insurance" to Line 402-010-002-4294 "Election Expenses".

SECTION 2. That the unappropriated and unexpended balance of the Controller's 1979 Budget Line 402-010-002-4510 "Insurance" is hereby reduced in the amount of \$60,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-84-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-10

RESOLUTION NO. R-85-79

A RESOLUTION authorizing the transfer of funds from Fire Department's Accounts No. 402-010-015-4111 "Salaries Regular" and Account No. 402-010-015-4540 "Clothing Allowance" to various accounts within the Fire Department's 1979 budget, and transfer of funds from E.M.S.'s Account No. 402-010-019-4111 "Salaries Regular" to various accounts within the E.M.S. 1979 budget

WHEREAS, it has become necessary to transfer funds from the Fire Department's "Salaries Regular" Account No. 402-010-015-4111 and "Clothing Allowance" Account No. 402-010-015-4540 to various accounts within the Fire Department's budget, and

WHEREAS, it has become necessary to transfer funds from the E.M.S. "Salaries Regular" Account No. 402-010-019-4111 to various accounts within the E.M.S. budget.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$32,000.00 from the Fire Department's "Salaries Regular" Account No. 402-010-015-4111 and the sum of \$2,890.00 from the Fire Department's "Clothing Allowance" Account No. 402-010-015-4540 to the various accounts of the 1979 budget of the Fire Department numbered and named below, the amounts set opposite them below, respectively, to wit:

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
402-010-015-4212	Postage	\$ 330.00
402-010-015-4213	Travel	1,060.00
402-010-015-4220	Utilities	1,100.00
402-010-015-4230	Instruction	120.00
402-010-015-4243	Photo. & Blueprinting	900.00
402-010-015-4252	Equipment	3,110.00
402-010-015-4321	Gasoline	4,900.00
402-010-015-4322	Oil	705.00
402-010-015-4323	Tires & Tubes	780.00
402-010-015-4324	Other Garage & Motor Supplies	4,900.00
402-010-015-4331	Household, Laundry & Cleaning	3,450.00
402-010-015-4332	Medical, Dental, Surgical	3,450.00
402-010-015-4363	Other Office Supplies	750.00
402-010-015-4370	Other Supplies	3,350.00
402-010-015-4410	Building Materials	3,285.00
401-010-015-4430	Repair Parts	2,700.00
	<u>Total Fire Department</u>	<u>\$34,890.00</u>

That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$3,515.00 from the E.M.S. Account No. 402-010-019-4111 "Salaries Regular" and appropriate to the various accounts of the 1979 budget of the E.M.S. Department numbered and named below, the amounts set opposite them below, respectively, to wit:

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
402-010-019-4333	Other Institutional Supplies	\$ 3 150.00
402-010-019-4430	Repair Parts	200.00
402-010-019-4540	Clothing Allowance	<u>165.00</u>
	<u>Total E.M.S. Department</u>	<u>\$ 3 515.00</u>

SECTION 2. That the unappropriated and unexpended balances of the accounts named below are hereby reduced by the amounts set opposite them below, respectively, to wit:

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
<u>Fire Department</u>		
402-010-015-4111	Salaries & Wages Regular	\$ 32,000.00
402-010-015-4540	Clothing Allowance	<u>2,890.00</u>
	<u>Total Fire Department</u>	<u>\$ 34,890.00</u>

E.M.S. Department
402-010-019-4111

Salaries & Wages Regular \$ 3,515.00

Total E.M.S. Department \$ 3,515.00

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-85-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-12-11

RESOLUTION NO. R-LOST

A RESOLUTION CALLING FOR WITHDRAWAL OF
THOSE PORTIONS OF SENATE BILL NO. 76
DEALING WITH PROHIBITION OF CONDEMNATION
ACTIONS AGAINST PUBLIC UTILITIES BY
MUNICIPALITIES

WHEREAS, the existing law of the State of Indiana (IC 8-1-90 through 8-1-2-100) not only permits municipalities to own and operate, but also to purchase condemn, construct, acquire and hold any utility with the boundaries of such municipality and within a radius of six (6) miles from the corporate limits of such municipality, and,

WHEREAS, there is presently pending before the Common Council of the City of Fort Wayne a petition signed by the requisite number of voters requesting a special election to determine whether the City of Fort Wayne shall, among other things, purchase, condemn and operate an electric public utility; and,

WHEREAS, Senate Bill No. 76 now proposed for enactment by the General Assembly of Indiana would forbid the City of Fort Wayne after March 1, 1980, from bringing any action in the Circuit or Superior Court against any public utility as defendant for condemnation of its electric utility property, which Senate Bill if passed into law would destroy the effect of said pending petition for a special election.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

Section 1. That the portion or portions of said Senate Bill No. 76 prohibiting any municipality from bringing an action in the Circuit or Superior Court of any County against any public utility as defendant for condemnation of electric utility property be completely withdrawn from any consideration by the General Assembly of the State of Indiana; Section 2. BE IT FURTHER RESOLVED that the Common Council of the City of Fort Wayne opposes any law which prohibits a municipality from bringing any action in any court against any corporation organized under IC 8-1-13 or any public utility as defendant for condemnation of its electric utility property. Section 3. BE IT FURTHER RESOLVED that copies of this Resolution be published and given to all representatives in the General Assembly of Indiana representing not only Fort Wayne but also Allen County, all persons sponsoring or working for the enactment of said Senate Bill No. 76 and all members of the Cities and Towns Committee in the General Assembly of the State of Indiana

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Three
V. Schmdit, Stier, Talarcio
Nays: Four
Burns, Hinga, Nuckols, D. Schmidt
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

BILL NO. R-79-12-12

RESOLUTION NO. R-86-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

WHEREAS, (1) The following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

	<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair AgencyI</u>
1)	Police Dept. unit No. 43, 1979 Chrysler, 4-door sedan License Plate #11143	\$ 486.79	Tomkinson Chrysler Plymouth
2)	Police Dept. unit No. 5, 1978 Ford 4-door sedan License Plate #11105	328.75	Allen County Motors
3)	Park Dept. unit No. 109, 1971 Chevrolet Nova, 2-door sedan, License Plate #MO 10213	256.36	DeHaven Chevrolet
4)	Police Dept. unit No. 50 1975 Chevrolet pickup truck License Plate #MO 11100	168.96	Allen County Motors
5)	Police Dept. unit No. 17, 1979 Chrysler Newport 4-door sedan, License Plate #11117	396.66	Tomkinson Chrysler Plymouth
	TOTAL	\$ 1,637.52	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moscs

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-86-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-78-11-62

ZONING MAP ORDINANCE NO. Z-27-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-30

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a M1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. M-30, of said Chapter are hereby changed accordingly, to wit:

Beginning at the Northwest corner of said Block A, said corner being marked by an iron pin found; thence East along the South right-of-way line of Collins Road 662.0 feet to an iron pin found, said pin being located 370.0 feet West of the Northeast corner of said Block; thence South by a deflection right of 90 deg. 00 min. 00 sec., 475.5 feet to a point on the South line of said Block, said point being marked by an iron pin set and being 320.0 feet West of the Southeast corner of said Block, thence West by a deflection right of 90 deg. 00 min. 00 sec., along the South line of said Block 665.0 feet to the Southwest corner of said Block said corner being marked by an iron pin set, thence North along the West line of said Block and by a deflection right of 90 deg. 22 min. 00 sec. 475.5 feet to the point of beginning, containing 7.24 acres more or less and being subject to all legal easements of record.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-27-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-10-07

ZONING MAP ORDINANCE NO. Z-28-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. 0-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 42 and 43 in Devilbiss Second Addition to the
City of Fort Wayne.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-28-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-10-08

ZONING MAP ORDINANCE NO. Z-29-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. L-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 97 through 112 in Beck's 3rd Addition; Lots 67 through 82 in Beck's 2nd Addition, Lots 15 through 34 and 37 through 58 in Pfeiffer Place Addition, Lots 1 through 4 in Felix Rouseaus Subdivision. SPACES 1 through 6 as follows: Space 1, 46.4' x 144' east of Lot 97 in Beck's 3rd Addition; Space 2, 46.4' x 144' east of west of 46.4' of Lot 97 in Beck's 3rd Addition; Space 3, 46.4' x 144' west of Lot 74 Beck's 2nd Addition, Space 4, East 43' of Space 92.8' x 144' west of Lot 75 in Beck's 2nd Addition, Space 5, 48.3' x 144' west of East 43' west of Lot 75 in Beck's 2nd Addition, Space 6, 46.4' x 144' east of Lot 112 in Becks' 3rd Addition.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-29-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-07-30

GENERAL ORDINANCE NO. G-27-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
certain alley east of Beacon Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

First alley North of State Street from the East property line
of Beacon to its Eastern terminus

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-27-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-52

SPECIAL ORDINANCE NO. S-219-79

AN ORDINANCE approving an Agreement with
the Brotherhood Mutual Insurance Company,
for construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated November 19, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Brotherhood Mutual Insurance Company, Developer, for:

Sanitary Sewer Extension

Commencing at an existing manhole in Racket Drive and approximately the north-south centerline of the S.E. 1/4 Section No. 14 Washington Township, thence, North in and along a proposed 14 foot easement a distance of 1373 \pm feet terminating at proposed manhole number six.

Sanitary Lateral I

Commencing at a proposed manhole #4 on the above mentioned sewer, thence westerly in and along a proposed 14 foot Easement a distance of 391 \pm feet terminating at a proposed manhole.

Said sewers to be 12" and 10" in diameter.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-219-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-53

SPECIAL ORDINANCE NO. S-220-79

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. B-1539 for supplies for the Water Pollution Control Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY FORT WAYNE, INDIANA:

SECTION 1. That the blanket purchase order City Utilities Purchase Order No. B1539, dated November 14, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and McVey-Midland Piping, for:

Various sizes of catch basins and manhole castings for use by the Water Pollution Control Maintenance Department,

all as more particularly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burn
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Absent: Two

Moses, Hunter

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-220-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-54

SPECIAL ORDINANCE NO. S-221-79

AN ORDINANCE approving City Utilities Purchase Order Nos. 1515 with U.S. Pipe and Foundry Company and 1516 with Treaty Company for materials for Water Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the City Utilities Purchase Orders, numbered and listed below, dated November 5, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of materials for the Water Engineering Department in order to construct the Washington Center and Huguenard Road Feeder Main, in the amounts as hereafter set out, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated

herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, towit:

<u>NUMBER</u>	<u>COMPANY</u>	<u>AMOUNT</u>
1515	U.S. Pipe and Foundry Company	\$88,666.35
1516	Treaty Company	<u>25,253.40</u>
	TOTAL	\$113,919.75

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-221-79 on the 11th day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-55

SPECIAL ORDINANCE NO. S-222-79

AN ORDINANCE approving blanket purchase orders - City Utilities Purchase Orders Nos. 1529 and 1530 for supplies for the water Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the City Utilities Blanket Purchase Orders, numbered and listed below, dated November 8, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of materials for the Water Maintenance and Service Department, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and same is in all things ratified, confirmed and approved, respectively, to wit:

<u>NUMBER</u>	<u>COMPANY</u>
1529	Underground Pipe and Valve
1530	Treaty Company

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moscs

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-222-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-56

SPECIAL ORDINANCE NO. S-223-79

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. B-1535 for copper pipe for the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the blanket purchase order City Utilities Purchase Order No. B1535, dated November 13, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and V. R. Myers Pump, for:

Various sizes of copper pipe to be used by the Water Maintenance & Service Department for water utility repair and maintenance,

all as more particularly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moscs

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-223-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-57

SPECIAL ORDINANCE NO. S-224-79

AN ORDINANCE approving Change Order No. 4,
Contract No. 77-W-2 in connection with
Water Works Improvements, Filtration Plant
Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, Contract No. 77W2, to Hagerman-Shambaugh, Joint Bidders in connection with Water Works Improvements, Filtration Plant Additions, for:

Additional changes and alterations found necessary
for new Water Filtration Plant Additions, as follows: (A) Materials and labor for light oil pilot piping, (B) Structural steel and labor for steel supports for new boiler stack, (C) Condensate pumps and piping (motors totally enclosed) plus plus electrical work for installation of same, (D) Temporary electrical wiring, starters and switches for early hook-up of new soda ash conveyors and (E) Change from three rubber seated butterfly valves on steam header to three iron gate valves,

in the amount of \$10,886.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hluga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-224-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-11-58

SPECIAL ORDINANCE NO. S-225-79

AN ORDINANCE approving a blanket purchase
order - City Utilities Purchase Order
No. B-1528 for Fire Hydrants for the
Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE INDIANA.

SECTION 1. That the blanket purchase order City Utilities Purchase Order No. B1528, dated November 9, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Treaty Company, for:

Approximately 150 Mueller A423 Fire Hydrants for use by
the Water Maintenance and Service Department,

all as more particulrly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Hunter, Moses

Date: 12-11-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-225-79 on the 11th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-12-02

SPECIAL ORDINANCE S-226-79

AN ORDINANCE approving an amendment to special Ordinance No. 170-76 approving an amendment to Contract No. 63-289-13 between the City of Fort Wayne, Indiana, and National Serv-All, Inc., Contractor, for collection, transportation and disposal of solid wastes in the City of Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne, Indiana, by and through its Members of the Board of Public Works, did prepare certain specifications and contract documents for the collection, transportation and disposal of solid wastes in the City of Fort Wayne, Allen County, Indiana, which required that sealed bids be received by the Board of Public Works of the City of Fort Wayne, Indiana, at 9:00 a.m. on the 18th day of August, 1976, and

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana, did receive sealed bids on said date for the collection, transportation and disposal of solid wastes in the City of Fort Wayne, Indiana, and

WHEREAS, after due deliberation by the Board of Public Works and the Common Council of the City of Fort Wayne, Indiana, a determination was made that National Serv-All, Inc., whose address is 6231 McBeth Road, Fort Wayne, Indiana, 46809, was the lowest and best responsible bidder, and said Board of Public Works of the City of Fort Wayne, Indiana, entered into a contract on the 16th day of September, 1976 with said National ServAll, Inc., said contract being City of Fort Wayne Contract No. 63-289-13, and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, did ratify and approve said contract by special Ordinance No. S17076, and

WHEREAS, the provisions of I.C. 18-1-6-8 specifically provide that the the Board of Public Works is empowered to contract with any individual or corporation for the collection, removal and disposal of garbage, ashes or refuse, on such terms and for such times as may be agreed upon, and further provides that said contract shall be submitted to the Common Council of the City and approved by Ordinance before said contract shall become effective, and

WHEREAS, said above mentioned contract a page SA15, paragraph 21 of the general specifications, specifically provides that it was understood and agreed between the parties that the contract was entered into under the circumstances and conditions existing at the time of the execution of the agreement; and, that in the event that there was a change in any conditions or circumstances affecting the terms, conditions or promises contained in the contract, that either party could initiate negotiations directed toward modifying the contract terms, and

WHEREAS, the economic conditions that existed at the time of the contract have changed in such a substantial and excessive manner that the promises and agreements contained in the original contract have now become unfair and oppressive as a result of the excessive and unanticipated economic inflation currently affecting the entire country; the Consumer Price Index now increasing a rate exceeding thirteen per cent (13%) per year and petroleum full costs having increased in excess of forty per cent (40%) per year since January 1, 1979, and

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana, and National Serv-All, Inc., having entered into negotiations pursuant to paragraph No. 21 of the general specifications, and having modified Article 11 of the contract, effective for the contract year beginning January 1, 1980, page CA-1, by amending the general specifications at page SA-12, paragraph 12 "CHANGE IN COST OF DOING BUSINESS", to correct the unanticipated, excessive and unfair changed economic conditions, by changing said specification to permit an adjustment equal to .93 of the net percentage change in the Consumer Price Index and including a factor for adjustments to the direct fuel costs of the contractor equal to a change of 1.45% per month of the semi-monthly payment for each change of .05 dollars per gallon fuel costs computed on a monthly basis, all as more particularly set forth in said amending contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found and determined that there has been an excessive and unanticipated change in the economic conditions affecting the ability of the contractor, National Serv-All, Inc., to perform that certain City of Fort Wayne Contract No. 63-289-13 entered into between National Serv-All, Inc., whose address is 6231 McBeth Road, Fort Wayne, Indiana, 46809, and the City of Fort Wayne, Allen County, Indiana, a municipal corporation, acting by and through its

Board of Works, on September 16, 1976, and that the amendments to said contract negotiated by the Board of Works of the City of Fort Wayne, Indiana, as City of Fort Wayne Contract No. 68-148-35, by its Board of Works, on December 5, 1979, is a fair and equitable adjustment of the rights, duties and obligations of the parties with respect to the collection, transporation and disposal of solid wastes in the corporate limits of the City of Fort Wayne, Indiana.

SECTION 2. That a certain contract, dated December 5, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works, and National Serv All, Inc., contractor, for:

Collection, transportation and disposal of solid wastes in the City of Fort Wayne, Indiana, amending that certain contract dated September 16, 1976, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and National Serv All, Inc., for the collection, transportation and disposal of solid wastes in the City of Fort Wayne, Indiana,

under Board of Works Contract No. 68-148-35, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hercof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V Schmidt, Stier, Talarico
Nays: None

Date: 12-18-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-226-79 on the 18th day of December, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of December, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 21st day of December, 1979, at the hour of 10:30 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-12-03

SPECIAL ORDINANCE NO. S-01-80

AN ORDINANCE approving an Agreement to
Purchase Real Estate from First Federal
Savings & Loan Association for Neighborhood
Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated November 14, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and First Federal Savings & Loan Association, for:

W. 32 Ft. Lot #87 Eliza Hanna Seniors Addition

for the total cost of \$6,200.00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-01-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-79-12-05

RESOLUTION NO. R-01-80

A RESOLUTION finding, determining and ratifying
an inducement resolution of the Fort Wayne
Economic Development Commission authorizing
the issuance and sale of \$5,000,000 Economic
Revenue Bonds of the City of Fort Wayne,
Indiana, for the purpose of inducing the Applicant
to proceed with the acquisition, construction
and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 186-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Woodbridge Apartments of Fort Wayne (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer Acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for an apartment complex for the low and moderate income families located at St. Joseph Road, east of Clinton, Allen County, Indiana, on 635,105 square feet (the "Project") and

WHEREAS, Woodbridge Apartments of Fort Wayne will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in job opportunities with an estimated annual payroll of \$250,000-\$300,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-01-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-79-12-06

RESOLUTION NO. R-02-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$400,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Weingart, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for (A) Manufacturing: customer testing, production, and assembly machines, control panel building; Reddi-Lite, emergency lights; (B) Services: consulting and training, industrial-technical; field troubleshooting and repairs; lab troubleshooting and repairs; (C) Installation: closed circuit T.V. systems; paging systems; security systems; fire alarm systems; intercom systems; gate control and service of the above, located at Huntertown (South End) Industrial Park, on approximately 4.5 acres; (the "Project"); and

WHEREAS, Weingart, Inc. will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in 19 job opportunities with an estimated annual payroll of \$320,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$400,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-02-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01=02

RESOLUTION NO. R-03-80

A RESOLUTION finding, determining and ratifying
an inducement resolution of the Fort Wayne
Economic Development Commission authorizing

the issuance and sale of \$3,300,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 186-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Northrop, an Indiana General Partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a shopping center, located at the northwest corner of Cook and Coldwater Roads, Fort Wayne, Allen County, Indiana, on approximately eleven acres, (the "Project") and

WHEREAS, Northrop, an Indiana General Partnership will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 120 new job opportunities with an estimated annual payroll of \$600,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance said sale of revenue bonds in an amount not to exceed \$3,300,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-03-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-03

RESOLUTION NO. R-04-80

A RESOLUTION CALLING FOR WITHDRAWAL OF
THOSE PORTIONS OF SENATE BILL NO. 76
DEALING WITH PROHIBITION OF CONDEMNATION
ACTIONS AGAINST PUBLIC UTILITIES BY
MUNICIPALITIES

WHEREAS, the existing law of the State of Indiana (IC 8290) through 812100) not only permits municipalities to own and operate, but also to purchase, condemn, construct, acquire and hold any utility within the boundaries of such municipality and within a radius of six (6) miles from the corporate limits of such municipality; and,

WHEREAS, there is presently pending before the Common Council of the City of Fort Wayne a petition signed by the requisite number of voters requesting a special election to determine whether the City of Fort Wayne shall, among other things, purchase, condemn and operate an electric public utility; and,

WHEREAS, Senate Bill No. 76 now proposed for enactment by the General Assembly of Indiana would forbid the City of Fort Wayne after March 1, 1980, from bringing any action in the Circuit or Superior Court against any public utility as defendant for condemnation of its electric utility property, which Senate Bill if passed into law would destroy the effect of said pending petition for a special election.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

Section 1. That the portion or portions of said Senate Bill No. 76 prohibiting any municipality from bringing an action in the Circuit or Superior Court of any County against any public utility as defendant for condemnation of electric utility property be completely withdrawn from any consideration by the General Assembly of the State of Indiana; Section 2. BE IT FURTHER RESOLVED that the Common Council of the City of Fort Wayne opposes any law which prohibits a municipality from bringing any action in any court against any corporation organized under IC 8113 or any public utility as defendant for condemnation of its electric utility property Section 3. BE IT FURTHER RESOLVED that copies of this Resolution be published and give to all representatives in the General Assembly of Indiana representing not only Fort Wayne but also Allen County all persons sponsoring or working for the enactment of said Senate Bill No. 76 and all members of the Cities and Towns Committee in the General Assembly of the State of Indiana.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
Nays: Four
Burns, Nuckols, D. Schmidt, Schomburg

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-07-32

ZONING MAP ORDINANCE NO. Z-01-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N11, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lots 2, 3 and 4 and the South 6.82 feet of Lot 1
in Hedding Addition to the City of Fort Wayne,
according to the recorded plat thereof, as recorded
in Plat Book 74, page 6, in the records of the
Office of the Recorder of Allen County, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: One
Stier
Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ord. No. Z-01-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-49

ZONING MAP ORDINANCE NO. Z-02-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. T-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. T18, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Tract of land located in the Northwest Quarter of Section 33, Township 31 North, Range 13 East, Allen County, Indiana more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 33, said point being on the centerline of State Boulevard; Thence Westerly along the South line of Northwest Quarter, the said line also being the centerline of State Boulevard a distance of 530 feet; Thence Northerly a distance of 290 feet; thence Northwesterly a distance of 280 feet; Thence Southwesterly a distance of 10 feet; Thence Northwesterly a distance of 930 feet to a point on the East line of said Northwest Quarter; Thence Southerly a distance of 1380 feet to the point of beginning containing 14.0 acres of land more less subject to a road right-of-way of the Southerly 40 feet for State Boulevard and all other easements of record.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-02-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-51

ZONING MAP ORDINANCE NO. Z-03-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N38, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

A parcel of ground located in the Southwest 1/4, Section 13, Township 31 North, Range 12 East, Washington Township, generally described as follows:

Commencing at the southeast corner Lot #1 of North Sherwood Terrace Addition; thence north along the east line of the southwest quarter a distance of 40 feet to the point of beginning, that point being the intersection of the north right-of-way line of Washington Center Road and the east line of the Southwest quarter of Section 13. Thence north along the east line of the Southwest quarter to its intersection with the north line of North Sherwood Terrace Addition and Silver Maples Addition; thence west along said line to the east right-of-way of 169, thence south along the east right-of-way of 169, thence right-of-way of Washington Center Road, thence east along the north right-of-way line of Washington Center Road to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-03-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-12-14

GENERAL ORDINANCE NO. G-01-80

AN ORDINANCE amending certain Sections of
Chapter 17 of the Code of the City of Fort
Wayne, Indiana of 1975

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 2, Section 39 "Increasing State Speed Limits in Certain Zones", by deleting therefrom the following:

SPEED LIMIT 55 MPH:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
North Clinton St.	Washington Center Rd.	North City Limits
<u>SPEED LIMIT 40 MPH:</u>		
Winchester Rd.	Bluffton Rd.	Baer Field Thruway
Trier Rd.	Coliseum Blvd.	East City Limits (Reed Rd.)

SECTION 2. That Schedule 2, Section 39 "Increasing State Speed Limits in Certain Zones", by adding thereto the following:

SPEED LIMIT 50 MPH

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
North Clinton St.	Washington Center Rd.	North City Limits
<u>SPEED LIMIT 35 MPH:</u>		
Winchester Rd.	Bluffton Rd.	Baer Field Thruway
Trier Rd.	Coliseum Blvd.	East City Limits (Reed Rd)

SECTION 3. That Schedule 3, Section 46 "OneWay Streets and Alley", by adding thereto to sub-paragraph (a) "Streets" thereof the following:

ONE WAY ALLEY:

- The Alley between Berry St. and Wayne St. One Way Eastbound from Barr St. to Lafayette St.
- The Alley between John St. and Smith St. One Way Southbound from Colerick St. to Eckart St.

SECTION 4. That Schedule 4, Section 48 "Through Streets", by adding thereto the following:

THRU STREET:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
High St.	Wells St.	Sherman Blvd. except at Wells St. and Sherman Blvd.

SECTION 5. That Schedule 5, Section 49 "Intersections Where Stop Required", by deleting therefrom the following:

STOP INTERSECTIONS

<u>STREET</u>		
Douglas Ave.	-Stop-	for Barr St.

SECTION 6. That Schedule 5, Section 49 "Intersections Where Stop Required", by adding thereto the following:

STOP INTERSECTIONS

Andrew St.	-Stop-	for Fourth St.
Barr St.	-Stop-	for Douglas Ave.
Columbia Ave.	-Stop-	for Pemberton Dr.
Hawthorn Rd.	-Stop-	for Saginaw Dr.
Hawthorn Rd.	-Stop-	for North Washington Rd.
Industrial Rd.	-Stop-	for Ley Rd.
Jackson St.	-Stop-	for Lavina St.
Lexington Ave.	-Stop-	for Hartman Rd.
Newago Rd.	-Stop-	for Production Rd.
Pemberton Dr.	-Stop-	for Tilden Ave.
Putnam St.	-Stop-	for Meridian St.
Putnam St.	-Stop-	for Short St.
Rockwood Dr.	-Stop-	for Chantilly
Rockwood Dr.	-Stop-	for Exeter Dr.
Wolverton Dr.	-Stop-	for Sharon Dr.
Whitegate Dr.	-Stop-	for Rolston St.

SECTION 7. That Schedule 7, Section 90 "Parking Prohibited at All Times on Certain Street", by deleting therefrom the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Barr St.	West	Douglas Ave.	the 1st Alley South thereof (Southern Terminus of the U.S. Postal Facility Property)
Old Trail Rd.	Both	Prairie Grove Dr.	1350' North Thereof

SECTION 8. That Schedule 7, Section 90 "Parking Prohibited at All Times on Certain Street", by adding thereto the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Barr St.	East	Douglas Ave.	The Southern Terminus to the U.S. Postal Facility Property
Douglas Ave.	South	Barr St.	Lafayette St.
St. Marys Parkway	Both	Park Ave.	Waldron Circle
Old Trail Rd.	Both	Prairie Grove Dr.	Bluffton Rd.
Maurance Dr.	North	Getz Rd.	the Eastern Terminus
Barr St.	West	Superior St.	Freiman Park Parking Lot Entrance

SECTION 9. That Schedule 8, Section 90 "Parking Prohibited During Certain Hours on Certain Streets", by adding thereto the following:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Thames Dr.	Both	Victoria Dr.	Glencairn Dr.
		John Nuckols Councilman	

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-01-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-79-12-16

SPECIAL ORDINANCE NO. S-02-80

AN ORDINANCE approving Change Order No. 5,
Water Contract No. 77-W-2, in connection
with Water Works improvements, Filtration
Plant Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5, Water Contract No. 77-W-2 to Hagerman-Shambaugh, joint bidders, in connection with Water Works Improvements, Filtration Plant Additions, for:

Repair of pipe used on water discharge from the pumping
station, which has several leaks,

in the amount of \$2,057.00 as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Bunrs, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-02-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-79-11-59

RESOLUTION NO. R-05-80

A RESOLUTION RECOMMENDING STUDY OF
REMOVAL OF LIME SLUDGE AND SILT
BUILD UP ADJACENT TO THE FILTRATION
PLANT AND NEAR THE CONFLUENCE OF
ST. MARY'S AND MAUMEE RIVER

WHEREAS, there exist large deposits of lime sludge, and silt build up in the river beds at and near the Fort Wayne Filtration Plant and at the confluence of the St. Mary's River with the Maumee River in the City of Fort Wayne, Indiana; and,

WHEREAS, Sand Bag Coalition, a group of citizens of the City of Fort Wayne, Indiana has proposed removal of said lime sludge and silt build up at and near the confluence of the said rivers in order to reduce flooding by deepening said rivers and increasing the amount and rapidity of flow of water; and,

WHEREAS, others contend that dredging the rivers is only one factor in the continuing flood control controversy, said other claimed factors being the expansion of dikes along the rivers and development of a river bank park system along the waterways to reduce the flooding; and,

WHEREAS, it appears that at least dredging the rivers and removing therefrom lime and other sludge at the Fort Wayne Filtration Plant and near the confluence of the St. Mary's River with the Maumee River merits consideration.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

That immediate steps be taken to commence a study of the dredging of the lime sludge and other sludge from said St. Mary's River at least from the Spy Run Avenue Bridge east to the confluence of said St. Mary's river with the Maumee river and that said study project be undertaken with all due speed when the level of the river has been lowered so that if said dredging is done same shall be accomplished while the water level is low.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-06-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-10

RESOLUTION NO. R-06-80

A RESOLUTION AUTHORIZING EMPLOYMENT OF FIRM FOR FEASIBILITY STUDY OF CITY OF FORT WAYNE ACQUISITION OF ELECTRIC UTILITY SYSTEM AND AUTHORIZING APPOINTMENT OF AD HOC COMMITTEE TO NEGOTIATE CONTRACT

WHEREAS, The Common Council of the City of Fort Wayne has by Appropriation Ordinance No. A1979 appropriated accounts to the current budget for consultant services being Account No. 4-02-010-002-4267 in the sum of \$75,000.00; and,

WHEREAS, said Appropriation Ordinance A-1979 provided that the expenditure from said appropriation shall be to fund a study of the legality and feasibility of a petition filed with the Common Council pursuant to IC 8-1-2-99 et seq., petitioning the Common Council of Fort Wayne to acquire, purchase, and/or condemn the presently operating electric utility system in order to, in its place

establish, own and operate municipally owned electric utility; and,

WHEREAS, said Common Council has received a legal opinion from the firm of Chapman and Cutler establishing the legality of said petition; and,

WHEREAS, the Attorney for the Common Council has been authorized to request the submission of a bill for such legal study which said Attorney has submitted to said Chapman and Cutler; but which bill has not as yet been submitted; and,

WHEREAS, it is expedient and necessary at this time to employ the services of a firm to study the feasibility of said acquisition, purchase and/or condemnation of the presently operating utility system in order to, in its place, establish, own and operate a municipally owned electric utility and said Common Council has heretofore authorized an ad hoc committee to receive and consider data from candidates for employment as consultants for a feasibility study and to recommend to said Common Council employ one of said firms as a consultant for such feasibility study; and,

WHEREAS, said ad hoc committee has met on several occasions and considered data submitted by candidates as consultants to the City of Fort Wayne in respect to the feasibility of such petition and said ad hoc committee has recommended the employment of the firm of R.W. Beck and Associates, of 6535 E. 82nd Street, Indianapolis, Indiana, 46250 as such consultants.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

Section 1. That the report and recommendation of the ad hoc committee of the Common Council of the City of Fort Wayne, Indiana be concurred in by this Common Council and that the President of said Common Council be authorized to appoint an ad hoc committee to negotiate a contract with R.W. Beck and Associates, 6535 E. 82nd Street, Indianapolis, Indiana 46250 to conduct a feasibility study concerning acquisition, purchase and/or condemnation of the presently operating utility system in

order to in its place establish, own and operate to exceed \$60,000.00 for such services and to require that such services be completed in time sufficient to comply with placement of a referendum on the petition for acquisition, purchasing and/or condemning the presently operating electric utility system in order to in its place establish, own and operate a municipally owned electric utility on the ballot at a general election to be held with the Primary Election in May of 1980.

Section 2. BE IT FURTHER RESOLVED, that Mr. Bernard T. Perry, Certified Public Accountant, be and he is authorized to consult with said R. W. Beck and Associates as to any legal assistance they may require and report this to said Common Council.

James S. Stier Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Burns

Date: 1-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-06-80 on the 8th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of January, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-04

SPECIAL ORDINANCE NO. S--03-80

AN ORDINANCE approving Change Orders No. 2
and 3, in connection with the Civic Center
Parking Garage

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 in amount of \$5,507.00 and Change Order No. 3 in amount of \$9,135.00, to Martindale, Tourney, Gibson, Inc., Architects, Engineers & Planners, for Hagerman Construction Corporation, in connection with the Civic Center Parking Garage, for:

revision of grade elevations, both sides of all access and alley, revisions on loations of storage rooms and electrical room; and, make necessary changes to the new storm and sanitary sewer systems beyond the building lines to meet City of Fort Wayne requirements, and various technical changes,

as set out in the specifications, are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-03-80 on the 22nd day of January, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-09 (as amended)

SPECIAL ORDINANCE NO. S-04-80

AN ORDINANCE OF THE CITY OF FORT WAYNE,
INDIANA AUTHORIZING THE ISSUANCE AND SALE OF
REVENUE BONDS AND THE LOANING OF THE PROCEEDS
DERIVED THEREFROM TO WOODBRIDGE APARTMENTS
TO FINANCE THE COSTS OF CONSTRUCTION OF
A COMMERCIAL FACILITY

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 18-6-4.5-1 through 18-6-4.5-29, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the acquisition and construction of economic development facilities to promote the general welfare of the area in and near the City to issue its economic development revenue bonds to pay all costs of acquisition or construction of economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Loan Agreement dated as of January 1, 1980, by and between the City and the User (the "Loan Agreement") and an Indenture of Trust dated as of January 1, 1980 by and between the City and a trustee to be named later (the "Indenture"); and

WHEREAS, Woodbridge Apartments (the "User") is a limited partnership organized and existing under the laws of the State of Indiana, with its principal office located in Indianapolis, Indiana, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the User has agreed to acquire and construct economic development facilities for residential use within the limits of the City in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the area of the City and make payments pursuant to the Loan Agreement evidencing its loan obligations in an amount or amounts sufficient to pay the principal of and interest on the economic development revenue bonds hereinafter authorized; and

WHEREAS, the Common Council of the City (the "Common Council") has heretofore, by Ordinance and pursuant to I.C. 18-6-4-1 through 18-6-4-28, inclusive, created the Fort Wayne Economic Development Commission (the "Commission") and the members of the Commission have been duly appointed and qualified pursuant to law and the Commission has organized and undertaken the duties imposed upon it by the Act and has found by written resolution that, because of existing insufficient sites developed for residential use, the economic welfare of the City would be benefited by financing the acquisition of economic development facilities for residential use for and on behalf of the User; and

WHEREAS, the Commission has, by such resolution, approved a report and has submitted such report to the Plan Commission of Fort Wayne, Indiana, and, if required by the Act, to the Superintendent of the school corporation where the facilities will be located; and

WHEREAS, after giving notice in accordance with the Act, the Commission held a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued by the City for the purpose of funding a loan from the City to finance the cost of acquisition of such facilities, the Loan Agreement and Indenture, which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Common Council of the City by the Secretary of the Commission; and

WHEREAS, pursuant to the Act, this Common Council has adopted a resolution finding that the proposed financing of the acquisition of such economic development facilities for residential by the User will be of benefit to the general welfare of the City and the County of Allen, approving the proposed financing and authorizing the issuance by the City of \$3,905,000 principal amount of Construction Loan Revenue Bonds (Woodbridge Apartments Project-FHA Insured Advances) (the "Bonds") payable solely from the sources, having such terms and provisions and secured as provided by the Indenture and the Loan Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Public Benefits. The Common Council of the City hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act and that acquisition and construction of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

Section 2. Findings. The Common Council hereby finds that this Ordinance (the "Bond Ordinance") is of public benefit to the general welfare of the City by tending to overcome the deficiencies previously found to exist, to-wit: insufficient housing facilities, and that such benefit is greater than the cost of public facilities (as that phrase is defined in the Act) which will be required by the Project and further that the proposed financing will be of benefit to the welfare of the City and complies with the purposes and provisions of the Act.

Section 3. Authorization of \$3,905,000 Economic Development Revenue Bonds. In order to pay the cost of acquiring the constructing the Project, there are hereby authorized to be issued, sold and delivered \$3,905,000 aggregate principal amount of the Bonds maturing July 1, 1982, and bearing interest at the rate of 8 1/2% per annum. It is hereby recognized that, pursuant to the terms of the Loan Agreement, any balance of the cost of the Project will be paid for by the User.

Section 4. Definitions. In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Loan Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Loan Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 5. Terms of the Bonds The total principal amount of the Bonds that may be issued is hereby expressly limited to \$3,905,000, provided, however, that the Mayor, upon advice of counsel, may direct that less than such total principal amount be issued. The terms of the Bonds will be such as are set forth in the Indenture and particularly as set forth in Articles II and III of the Indenture, and such terms are adopted herein by reference and by approval of the indenture.

The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by the User pursuant to the Loan Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment Contract with respect to the Project by and between GNMA and Mount Vernon Sales and Mortgage Corporation, except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders. The Loan Agreement shall equally and ratably secure all outstanding Bonds, and payments by the User shall be used by the Trustee to make like payment of principal of or interest on the Bonds.

By the Indenture, the City will assign to the Trustee the City's rights under the Loan Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and by approval of the instrument.

The Loan Agreement, Note and Mortgage from the User to the City, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

Section 6. Authorization of Bonds. That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of \$3,905,000 Construction Loan Revenue Bonds (Woodbridge Apartments Project FHA Insured Advances) series 1980, of the City of Fort Wayne, Indiana, dated January 1, 1980, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds and appurtenant coupons, if any, shall not constitute nor give rise to the pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

Section 7. Indenture. That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form attached hereto as Exhibit A and containing substantially the terms and provisions set forth therein is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor (the "Mayor") and the City Clerk (the "Clerk"), with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

Section 8. Loan Agreement. That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Loan Agreement in substantially the form attached hereto as Exhibit B, and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications additions or deletions therein from the form of the Loan Agreement now before this meeting.

Section 9. Bond Purchase Agreement. That the sale of the Bonds to the Underwriter pursuant to the Bond Purchase Agreement, in substantially the form attached hereto as Exhibit C and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Bond Purchase Agreement now before this meeting.

Section 10. Inducement Letter. That the Mayor is hereby authorized and directed to accept the Inducement Letter in substantially the form attached hereto as Exhibit D and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Inducement Letter now before this meeting.

Section 11. General Partner's Security Agreement. That the Mayor is hereby authorized and directed to accept the General Partner's Security Agreement in substantially the form attached hereto as Exhibit E and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications additions or deletion therein from the form and content of the General Partner's Security Agreement now before this meeting.

Section 12. Official Statement. That the use of a Preliminary Official Statement, insubstantially the form attached hereto as Exhibit F, relating in part to the Bonds, be and the same is hereby authorized a final Official Statement with such changes, modifications, additions or deletions therein as shall deem necessary, desirable or appropriate, the Mayor's execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content from the Preliminary Official Statement now before this meeting, and the Mayor is authorized to execute said final Official Statement.

Section 13. Additional Documents. That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds and the execution and delivery of said Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this ordinance.

Section 14. Severability. That the provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions (including the Exhibits hereto, which are made a part hereof and incorporated herein by reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. The Exhibits herein referenced and made a part hereof are on file in the office of the Clerk in Fort Wayne, Indiana, and are available for inspection by any interested party.

Section 15. Conflicting Ordinances. That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. Recordation. That immediately after its adoption this ordinance shall be signed by the Mayor and the Clerk, shall be recorded in a book kept for that purpose and shall take immediate effect.

Section 17. Effective Date This Bond Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: One
GiaQuinta
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-04-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

THIS IS THE ATTACHED LETTER TO SPECIAL ORDINANCE NO. S-04-80 -

Fort Wayne Economic
Development Commission
2120 Fort Wayne Bank Bldg.
Fort Wayne, Indiana 46802

Common Council CityCounty Bldg. One Main Street Fort Wayne, Indiana 46802

RE: Policy Statement for Approving Revenue Bond Issues
for Apartment Financing

Dear Councilperson:

In accordance with your request, the Economic Development Commission has formulated a policy on the financing of apartment complexes. The policy statement is enclosed herewith.

Very truly yours,

Wayne P. Simerman, President
Fort Wayne Economic
Development Commission

/js Enclosure

POLICY STATEMENT

ECONOMIC DEVELOPMENT COMMISSION POLICY FOR APPROVING REVENUE BOND ISSUES FOR APARTMENT FINANCING

WHEREAS, The Commission has been advised by a written communication from the law firm of Ice, Miller, Donadio, and Ryan that Indiana Statutes permit the issuance of revenue bonds for financing apartment complexes.

WHEREAS, the Commission has heretofore declined to approve bonds for apartment complexes.

WHEREAS, the Commission has determined that the economic development of the community will be enhanced if prospective employers can see that housing for new employees is available at reasonable rates.

WHEREAS, employment is created by the construction of apartment complexes.

NOW THEREFORE, in consideration of the foregoing, the Economic Development Commission of Fort Wayne, Indiana, hereby:

RESOLVES that it will approve the issuance of revenue bonds for financing apartment complexes under the following circumstances:

1. That the security behind the bonds is of a sufficient nature that in all likelihood the bonds will not go into default.

2. That employments opportunities will be effected both during and after construction.
3. That there will be an increase in the tax base in the community.
4. That there will not be an adverse competitive effect.
5. Interim financing not to exceed 2.5 years

BILL NO. R-80--01-01

RESOLUTION NO. R-07-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$350,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-64.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, HAM, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it propose that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for leasing facilities, located at the corner of Illinois and Thomas Roads, Fort Wayne, Allen County, Indiana, on one and one-quarter acres; (the "Project"); and

WHEREAS, HAM, Inc. will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 2 job opportunities with an estimated annual payroll of \$_____ to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-07-80 on the 22nd day of January, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-12 (as amended)

RESOLUTION NO. R-08-80

A RESOLUTION approving the filing of an application with the U. S. Department of Housing and Urban Development for an Urban Development Action Grant for the HWI office project

WHEREAS, the Housing and Community Development Act of 1977 authorizes the making of grants of federal funds to eligible units of local government for the purpose of carrying out urban development action projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such urban development action grants by virtue of certain conditions of distress; and

WHEREAS, the Common Council of the City of Fort Wayne deems it to be necessary and in the public interest to seek federal grant funds to help alleviate the conditions of distress that affect the city; and

WHEREAS, the Fort Wayne Redevelopment Commission, working with a local private industry, has proposed a project that appears to be suitable for an urban development action grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the proposed application for an Urban Development Action Grant dated January 31, 1980, entitled HWI Office Project is hereby approved.

Section 2. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows:

a. To file said application with the U. S. Department of Housing and Urban Development in accordance with the Department's regulations, on or prior to January 31, 1980.

b. To serve as the authorized representative of the City of Fort Wayne in connection with the application and to provide HUD with such additional information, documentation, understandings, or assurances as may be required.

c. To execute such other documents as may be required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments, recisions and revisions thereto.

d. The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board or commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,

Nays: None

Absent: One

Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-08-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-13

RESOLUTION NO. R-09-80

A RESOLUTION authorizing payments for repairs to certain damaged vehicles owned by the City of Fort Wayne, Indiana

WHEREAS, (1) the following city vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to wit:

	<u>Vehicle</u>	<u>Ins. Payment</u>	<u>Repair Agency</u>
1)	Police Dept. unit No. 17 1979 Chrysler License Plate #MO11117	\$551.58	Tomkinson Chrysler- Plymouth, Inc.
2)	Police Dept. unit No. 4 1978 Ford License Plate #MO11104	80.20	Tomkinson Chrysler- Plymouth, Inc.
3)	Police Dept. unit No. 41 1978 Ford License Plate #MO11141	80.65	Tomkinson Chrysler- Plymouth, Inc.
	Total	\$712.43	

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency for vehicle repair work as set out above, respectively.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One

Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-09-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-26

RESOLUTION NO. R-10-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$10,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Hardware Wholesalers, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a national office headquarters building for Hardware Wholesalers, Inc., located at 5500 East State Boulevard, Fort Wayne, Allen County, Indiana; (the "Project"); and

WHEREAS, Hardware Wholesalers, Inc. will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in new jobs 287 with an estimated annual payroll of \$4,000,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in urusance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.
4. All costs of the Project incurred after the passage of this inducement resolution including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Abstained: One
GiaQuinta
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-10-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-31

RESOLUTION NO. R-12-80

Be it resolved by the Common Council of the City of Fort Wayne, Indiana, that the recommendation of the City Controller, Frank W. Heyman contained in his letter of January 22, 1980, to the Common Council of the City of Fort Wayne, Indiana a copy of which letter is attached hereto be concurred in by the said Common Council and that the said Common Council by appropriate ordinance as soon as practicable appropriate sufficient funds to cover the judgment herein referred to.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier
Nays: None
Abstained: One
D. Schimdt
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-12-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-13

ZONING MAP ORDINANCE NO. Z-04-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. I-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 12, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lot #522, except the West 20 feet, together with Lot #523, Lot #524, Lot #525, Lot #526, Lot #527, Lot #528, and Lot #529, together with the South Half of the vacated alley lying North of adjacent to Lot #522, except the West 20 feet, together with Lot #523 through Lot #529, in Commercial Third Addition, together with the South 6 feet of the vacated alley and the North 29 feet of vacated Graeter Street.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-04-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-16

ZONING MAP ORDINANCE NO. Z-05-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-46

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 district under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols

of the City of Fort Wayne Zoning Map No. N46, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Part of the SW 1/4, Section 12, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows: Commencing at the SW corner of said quarter section; thence North 00° 14' West (bearing from Deed #72-12609) along the West line of said Section 12, 235 feet to a point; thence S 89° 35' East parallel to the South Line of Section 12, 48.1 feet to the Point of Beginning; thence continuing South 89° 35' East 256.9 feet to a pin found; thence South 00° 14' East parallel to the west line of said Section 12, 195 feet to a pin found, being on the North r/w line of Cook Road; thence N 89° 35' West parallel to the South Line of said Section 12 and on or along the North r/w line of Cook Road, 224.55 feet to a pin found; thence North 34° 48' 25" West, 57 feet to a pin found; thence North 00° 14' West parallel to the West Line of said Section 12 on or along the East r/w line of State Road 327, 148.43 feet to the Point of Beginning; containing 1.13 acres more or less and subject to easements of record. This parcel is one in the same as parcel described in Instrument F5365 in the Office of the Allen County Recorder.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-05-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-17

ZONING MAP ORDINANCE NO. Z-06-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-46

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N46, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Part of the SW 1/4 of Section 12, T 31 N, Range 12 E, Allen County, Indiana, being more particularly described as follows: Commencing at the SW corner of said SW 1/4; thence east, on and along the south line of said SW 1/4, being also the centerline of Cook Road, a distance of 505.00'; thence northerly, by a deflection angle left of 89 degrees 56' and parallel to the west line of said SW 1/4, a distance of 40.0' to a point on the northerly r/w line of Cook Road, said point being the true point of beginning; thence continuing northerly on the last described course, a distance of 195.0'; thence east and parallel to said south line of said SW 1/4, a distance of 100.0', thence southerly and parallel to said west line, a distance of 195.0' to a point on said northerly r/w line; thence west and parallel to said south line, on and along said northerly r/w line, being a line parallel to & 40.0' (measured at right angles) north of the south line of said SW 1/4, a distance of 100.0' to the true point of beginning, containing 0.448 acres of land, subject to all easements of record.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One

Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-06-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-18

ZONING MAP ORDINANCE NO. Z-07-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-46

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N46, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Part of the SW 1/4 of Section 12, T 31 N, R 12 E, in Allen County, IN in particular described as follows:

Commencing on the S line of said 1/4 Section at a point situated 405' E of the SW corner thereof, thence running E on the line aforesaid, a distance of 100'; thence N and parallel to the W line of said 1/4 section, a distance of 235'; thence W and parallel to the S line of said 1/4 section, a distance of 100'; thence S to the place of beginning; containing 0.54 acre of land.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eiabart, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: N one
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-07-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-19

ZONING MAP ORDINANCE NO. Z-08-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-46

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N46, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Part of the SW 1/4 of Section 12, T 31 N, Range 12 E, in Allen County, Indiana, in particular described as follows: Commencing on the South line of said 1/4 Section at a point situated 305' east of the SW corner thereof; thence running E on the line aforesaid, a distance of 100'; thence N and parallel to the west line of said 1/4 section, a distance of 235 feet; thence west and parallel to the South line of said 1/4 section, a distance of 100'; thence south to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-08-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-50

ZONING MAP ORDINANCE NO. Z-09-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. J-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. J34, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

That part of the Northwest Quarter of Section 22 in Township 31 North of Range 12 East in Allen County, State of Indiana, containing 51.5 acres, more or less, lying North of the North right-of-way line of Interstate Highway Number 69, and East of the following described real estate:

That portion of the North Half of the Northwest Quarter of Section 22, Township 31 North, Range 12 East, in Allen County, State of Indiana, lying East of the right-of-way of the Indiana Service Company, now the Indiana-Michigan Electric Company, described as follows, to-wit:

Commencing at the point of intersection of the East line of said right-of-way with the North line of said Quarter Section, thence running East on the aforementioned line 396 feet; thence South and parallel to the right-of-way line aforesaid a distance of 1021.4 feet to the North right-of-way line of Interstate Highway Number 69; thence West along the North right-of-way line of said Interstate Highway Number 69 a distance of 396 feet to the intersection thereof with the East right-of-way line of the Indiana-Michigan Electric Company; thence North on the said East right-of-way line a distance of 1020.3 feet to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
 Nays: None
 Absent: One
 Talarico

Date: 1-22-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-09-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
 City Clerk

Vivian G. Schmidt
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-80-01-19

RESOLUTION NO. R-11-80

A RESOLUTION approving a proposed Housing Assistance project of the Fort Wayne Housing Authority

WHEREAS, the Housing Authority of the City of Fort Wayne, Indiana, a separate public body corporate and politic, created and existing under Indiana state statute and activated by resolution of this body pursuant to the provisions of such statute, proposes to apply to the United States Department of Housing and Urban Development for Section 8, United States Housing Act of 1947, as amended, Housing Assistance Payments Program funds (Moderate Rehabilitation Program), to be used to provide rental assistance to eligible families and elderly persons in the City of Fort Wayne, as follows:

1. Section 8. Existing Housing

a. Elderly units	24	
b. Family units	17	
c. Large family units	<u>11</u>	
Total		52

1. Moderate Rehabilitation:

a. Elderly and handicapped	52	
b. Family units	36	
c. Large family units	29	
Total		<u>117</u>

Total, All Units		169
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which, when added to the 802 rental assistance units presently authorized, will make a total of 971 such units in the city; and,

WHEREAS, said state statute requires the Housing Authority to obtain the approval of this body as its activating agency before initiating such Rental Assistance Payments Project; and,

WHEREAS, it is the sense of this body that such program proposed by the Housing Authority will be of benefit to many deserving Fort Wayne citizens and to the community as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the aforesaid proposed Housing Assistance Payments Project of the Housing Authority of the City of Fort Wayne, Indiana, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One

Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-11-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-05

SPECIAL ORDINANCE NO. S-05-80

AN ORDINANCE approving Change Order No. 1
Imp. Res. No. 5831-79. Hobson -Lake Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 Imp. Res. No. 583179, HobsonLake Avenue for:

additional materials and labor for changing the profile grade of Lake Avenue to force drainage north on Hobson Road rather than through the intersection,

in the amount of \$4,293.35, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-05-80 on the 22nd day of January, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-06 (AS AMENDED)

SPECIAL ORDINANCE NO. S-06-80

AN ORDINANCE approving Change Order No. 1,
Sewer Res. 304-78 - Covington-Ardmore San. Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 Sewer Res. 30478 Covington-Ardmore San. Sewer,
for:

additional base stabilization due to unsuitable
ground condition

in the amount of \$10,300.00, to be paid out of city utility funds as set out in the specifications is hereby
in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomubrg, Stier
Nays: None
Absent: One
Talarico

Date: 1-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-06-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-07

SPECIAL ORDINANCE NO. S-07-80

AN ORDINANCE approving City Utilities
Purchase Orders Numbered 1630 and 1631
Hefner Chevrolet, Inc. for vehicles
for Meter Reading Department and Customer
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders Numbered 1630 and 1631, dated December 19, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Hefner Chevrolet, Inc., for:

One 1980 Chevrolet Chevette Scooter for use by Customer Service Department and one 1980 Chevrolet Chevette Scooter for use by Meter Reading Department

at a cost of \$4,300.00 each, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same are in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One

Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-07-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

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Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-08

SPECIAL ORDINANCE NO. S-08-80

AN ORDINANCE approving Agreement for
the Purchase of a Sanitary Sewer Line
by the City of Fort Wayne from Leo-
Cedarville Regional Sewer District

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement for the Purchase of a Sanitary Sewer Line by and between LeoCedarville Regional Sewer District, seller, and the City of Fort Wayne, Indiana, buyer, for:

A part of Fractional Section 4, Township 31 north,
Range 13 East, St. Joseph Township, Allen County, Indiana, being a strip of land 15 feet
in width along the west side of and adjoining the following described line:

Beginning on the east line of real estate owned by Indiana & Michigan Electric Company,
at a point located 1618.78 feet west and 2735 feet south of the northeast corner of said Section
4; thence continuing south on the property line a distance of 1050 feet more or less, to
the low water line of the St. Joseph River and a strip of land 25 feet in width along the
east side of and adjoining the following described line:

Beginning on the north line of said fractional Section 4 at a point 1618.78 feet west of the
northeast corner thereof, thence south along the property line a distance of 2947.58 feet
and a part of Lot 6 of Trease Estates Plat "A" situated in the Southwest Fractional Quarter
Section 31, Township 32 North, Range 13 East, Cedar Creek Township, Allen County, Indiana,
and described as follows:

25 feet in width along the easterly side of and adjoining the following described line:
Beginning on the south line of said Section 31 at a point 232.32 feet east of the intersection
of said south line and the centerline of Old Leo Road (1618.78 feet west of the N.E. corner
of Section 4, Township 31 North, Range 13 East) thence North parallel to the existing pipeline
easement 69.4 feet, thence with a deflection left at 36° 30' 30" a distance of 51.0 feet to
the right of way of Old Leo Road and a line in and along the southeast right of way of
the Old Leo Road in a northeasterly direction, a distance of 2138 feet.

of which the City of Fort Wayne shall pay \$13,579.79 for said sewer line, all as more particularly set
forth in said agreement, which is on file in the Office of the Board of Public Works and is by reference
incorporated herein, made a part hereof and is hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Nays: None
Absent: One
Talarico

Date: 1-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-08-80 on the 22nd day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of January, 1980, at the hour of 3:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-01-25 (AS AMENDED)

GENERAL ORDINANCE NO. G-02-80 (AS AMENDED)

AN ORDINANCE APPROVING A CONTRACT FOR
FEASIBILITY STUDY CONCERNING ACQUISITION,
PURCHASE AND/OR CONDEMNATION OF
PRESENTLY OPERATING ELECTRIC UTILITY SYSTEM

WHEREAS, heretofore a petition has been filed with the Common Council pursuant to I C 8-1-2-99 et seq., requesting the Common Council of the City of Fort Wayne, Indiana to acquire, purchase and/or condemn the presently operating electric utility system in order in its place to establish, own and operate a municipally owned electric utility; and,

WHEREAS, said Common Council has heretofore received a legal opinion from the firm of Chapman and Cutler establishing the legality of said petition; and,

WHEREAS, pursuant to Resolution authorizing employment of a firm for a feasibility study concerning the City of Fort Wayne's acquisition of electric utility system, an ad hoc committee of said Common Council has chosen the firm of R. W. Beck and Associates, 6535 E. 82nd Street, Indianapolis, Indiana 46250 to conduct said feasibility study; and,

WHEREAS, R. W. Beck and Associates has submitted its proposed Agreement for engineering services which proposed Contract has been studied by said ad hoc committee of said Common Council.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Common Council of the City of Fort Wayne, Indiana does hereby approve a certain Agreement for engineering services submitted to the City of Fort Wayne, Indiana on January 15, 1980 by said R.W. Beck and Associates subject to the following:

- (a) If the referendum held in connection with the general election in the City of Fort Wayne, Indiana on May 6, 1980 results in approval of the City of Fort Wayne, Indiana's acquisition of the presently operating electric utility system, R. W. Beck and Associates shall not be considered as consultants to said City of Fort Wayne, Indiana;

- (b) The sensitivity analysis covering future litigation costs shall be included in the Agreement for engineering services to be performed for the City of Fort Wayne, Indiana by R. W. Beck and Associates;
- (c) Since there are several different methods used to appraise existing plant and equipment, the Common Council through its representative, together with a representative of R. W. Beck and Associates shall arrive at a mutually acceptable method of appraisal, said methodology to be approved by the Common Council of the City of Fort Wayne, Indiana and utilized in the appraisal of Indiana & Michigan Electric Company's existing plant and equipment;
- (d) Subject to sub-paragraphs (a), (b), and (c) above the Common Council of the City of Fort Wayne, Indiana does authorize the Mayor of the City of Fort Wayne and the Clerk of the City of Fort Wayne, Indiana to sign and deliver contract to R. W. Beck and Associates.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Fort Wayne, Indiana.

Vivian G. Schmidt
Councilwoman

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQunita and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico
Nays:

Date: 1-29-80C

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-02-80 on the 29th day of January, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 31st day of January, 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 31st day of January, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-28 (AS AMENDED)

SPECIAL ORDINANCE NO. S-09-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS (PAYLESS CASHWAYS,
INC. PROJECT)" AND APPROVING OTHER ACTIONS
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Payless Cashways, Inc. Project regarding the financing of proposed economic development facilities for Payless Cashways, Inc., an Iowa corporation (the "Company") and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission has a public hearing on January 10, 1980, and also adopted a resolution on said date, which resolution has been transmitted hereto, finding that the financing of certain economic development facilities to be leased to the company complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Lease Agreement, Lease, Sublease, Guaranty Agreement, and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Lease Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, subleasing of the Subleased Site (as defined in the Lease Agreement) from the Company, the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the financing of the acquisition and construction of such facilities and the lease thereof to the Company, the payment of the revenue bonds by the Lease payments of the Company under the Lease Agreement, the guarantee of the payment of the principal and interest on the revenue bonds by the Company under the Guaranty Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreement, Lease, Sublease, Guaranty Agreement, and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk,

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds (Payless Cashways, Inc. Project), in the total principal amount of Two Million Six Hundred Thousand Dollars (\$2,600,000) for the purpose of procuring funds to finance the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Lease Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rental payments made by the Company under the Lease Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust and Guaranty Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 7 3/8% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holders of the Economic Development First Mortgage Revenue Bonds (Payless Cashways, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains

unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Chalres W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-09-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-29

SPECIAL ORDINANCE NO. S-10-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (VIRGIL C. BROCKMANN, TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 1, 1980 AND AS ABOITE ADAMS TRUST NO. 101)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 regarding the financing of proposed economic development facilities for Virgil C. Brockmann, Trustee under trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 and the Fort Wayne Plan Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 10, 1980, and also adopted a resolution on January 10, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as ABoite Adams Trust No. 101 complies with purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended tha adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT.

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council; the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the acquisition and construction of such facilities; the lease of said facilities by Virgil C. Brockmann, Trustee under Trust Agreement Dated January 1, 1980 and as Aboite Adams Trust No. 101 to Kindercare Learning Center, Inc., the payment of the revenue bonds by the rent payments, the guarantee of the payment of the principal and interest on the revenue bonds by Virgil C. Brockmann and Louis Delagrang, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 186-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreements, Guaranty Agreement, Loan Agreement, Note, Mortgage and Indenture of Trust, collateral assignment of leases approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1979 (Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 Project), in the total principal amount of Four Hundred Thousand Dollars (\$400,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rent payments made by Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 under the Loan Agreement and from other revenues and income assigned under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk, and Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed _____% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1979 (Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinat, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Chalres W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-10-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-23 (AS AMENDED)

SPECIAL ORDINANCE NO. S-12-80

AN ORDINANCE AUTHORIZING A SURCHARGE
ON TAXICAB FARES IN THE CITY OF
FORT WAYNE, INDIANA.

WHEREAS, heretofore on the _____ day of _____, 1979 by Special Ordinance No. S-3179 the Common Council of the City of Fort Wayne, Indiana did amend Chapter 28, Section 2830(b) of the Code of the City of Fort Wayne authorizing an increase in taxicab fares for the City of Fort Wayne, Indiana; and,

WHEREAS, the price per gallon of gasoline to the taxicab companies operating in the City of Fort Wayne, Indiana has increased by 40 ¢ per gallon since January 1, 1979, and,

WHEREAS, due to present conditions existing in the oil and gasoline markets there may be further increases.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That in addition to the fares established by taximeters pursuant to Chapter 28, Section 28-30 (b) of The Code of The City of Fort Wayne, Indiana of 1974, there shall be assigned for each trip made by a taxicab in carrying passengers for hire a surcharge of 20 ¢ per trip for any trip made by taxicab transporting passengers for hire.

Section 2. In the event of a further price increase there shall be an additional surcharge of 5 ¢ for every 10 ¢ per gallon of gasoline price increase. In the event of a gasoline price decrease there shall be a decrease of 5 ¢ in taxicab fares for every 10 ¢ per gallon of gasoline price decrease.

Section 3. Before any surcharge increase or decrease shall be authorized for any taxicab company operating in the City of Fort Wayne, Indiana, there shall be presented for study to the Controller of the City of Fort Wayne for his recommendation to the Common Council of the City of Fort Wayne sufficient financial data in such form and content required by the Common Council so that proper study thereof may be made.

Section 4. No such additional surcharge or increase or decrease shall be authorized except by approval by the Common Council of the City of Fort Wayne, Indiana by ordinance duly enacted and approved by the Mayor of the City of Fort Wayne, Indiana.

Section 5. This ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Chalres W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-12-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-02

RESOLUTION NO. R-13-80

A Resolution authorizing payment to
various agencies for the purchase of
repair parts

WHEREAS, (1) damage has occurred to various items of property under the jurisdiction of the Traffic Engineer, which, therefore, require repair; (2) insurance monies in reimbursement for such damage have been received and receipted by the City Controller in the amounts hereafter listed and (3) repair bids for the parts damaged have been received from the following companies:

	<u>Items</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1)	Replacement Arms/ Central Business Dis.	\$ 1,800.00	Biggs Electrical Construction Co.
2)	Replace damaged con- troller	8,920.00	Graymar Equipment Co.
3)	Mls. repair parts	1,784.25	3-M Co.
4)	Misc. repair parts	2,339.00	Clifford of Vermont
5)	Misc. repair parts	<u>1,193.99</u>	Elliott Equipment
	TOTAL	\$16,037.24	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies for repair parts as set out above.

Section 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinat, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Chalres W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-13-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-30

RESOLUTION NO. R-14-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, The First National Bank of Crown Point, Trustee, under Trust No. 53-0161 (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for an office building located on the north side of Wayne Street between Clinton and Barr Street containing 240,000 net rentable sq. ft. on five floors; and

WHEREAS, Northwest Properties, Inc., Bernard Kleinman, and Dewitt P. Holland will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in new jobs (1,250 to 2,000) with an estimated annual payroll of \$1,500,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the

Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80
Chalres W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-14-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-15

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R14, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

S. 270.5 Ft. of W 82.5 Ft. of Lot #11 Feichters
Gardenview Addition.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Seven
Burns, Eisbart, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Abstained: One
GiaQuinta
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-79-05-12

GENERAL ORDINANCE NO. G-03-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Pennsylvania Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Part of the Northwest Quarter, Section 8, Township 30
North, Range 13 East, Allen County, Indiana, in
particular described as follows, to wit:

Commencing at the point of intersection of the West
line of said Northwest Quarter with the North right-
of-way line of the Wabash Railroad (now the Norfolk
& Western); thence East, on and along said North
line, a distance of 1310.9 feet; thence Northerly,
by an interior angle of $89^{\circ}-56'$, a distance of
318.2 feet to a point on the Southerly right-of-way
line of said Pennsylvania Street, said point being
the true point of beginning; thence continuing
Northerly on the last described course, a distance of
50.80 feet to a point on the Northerly right-of-way
line of said Pennsylvania Street; thence Northwesterly,
by a deflection angle left of $79^{\circ}-49'$, on and along
said Northerly right-of-way line, a distance of 385.37
feet; thence Southwesterly, by a deflection angle left
of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the
Southerly right-of-way line of said Pennsylvania Street;
thence Southeasterly, by a deflection angle left of
 $79^{\circ}-13'$, on and along said Southerly right-of-way line,
a distance of 384.83 feet to the true point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-11-21

GENERAL ORDINANCE NO. G-04-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of an alley in Rockhill Heir's Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

The South one (1) foot of the East forty-five (45)
feet of the East/West alley located in Block 15,
Rockhill Heir's Addition, according to the recorded
plat thereof.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-11-22

GENERAL ORDINANCE NO. G-05-80

AN ORDINANCE amending General Ordinance
No. G-97 authorizing the vacation of a
utility easement in Lake Forest Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to wit:

The west 7 feet of a dedicated 14 foot utility easement on the eastern boundary of Lots 47 through 60 in Lake Forest Addition, Section 1 to the City of Fort Wayne, except east-west easements intersection.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-05-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-27

SPECIAL ORDINANCE NO. S-11-80

AN ORDINANCE approving Change Order No. 1,
Street Improvement Resolution No. 5832-79,
in connection with College Street Elevation
repair - Hipkind Asphalt Corporation, contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 1 in connection with Street Improvement Resolution No. 583279, the College Street Elevation repair project Hipkind Asphalt Corporation, contractor, for:

replacement of curbing and sidewalk
and other related items, which had
caved in during the excavation for
a new wall and pipe railing repair
along the College Street underpass

in the amount of \$5,549.00, as set out in the specification, therefor, on file in the office of the Board of Public Works and by reference incorporated herein, is hereby in all things ratified confirmed and approved.

Section 2. That this ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-11-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-21

RESOLUTION NO. R-15-80

A RESOLUTION of the Common Council setting
forth the policy of the City in regard to the
annexation of Breconshire

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas, and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of Breconshire annexation area, more specifically described, to-wit:

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, described as follows, to-wit:

Commencing on the South line of said Quarter Section at a point situated 40.0 feet East of the Southwest corner thereof; thence Easterly along the South line of the Northeast Quarter a distance of 2158.79 feet; thence Northerly, by an interior angle of 88 degrees 56', a distance of 1187.2 feet; thence Westerly, by an interior angle of 91 degrees 56', a distance of 757.2 feet; thence Southerly by an interior angle of 88 degrees 04', a distance of 40.5 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 330 feet to the East line of Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence Southerly along the East line of said Pavey's Subdivision, a distance of 195.5 feet to the Northeast corner of Lot #15 of said Pavey's Subdivision, said point also being the Northeast corner of Lot #14 of Breconshire, Section 1, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County Indiana appearing in Plat Record Book 43 Page 43 of the Office of the Recorder of Allen County, Indiana; thence Westerly on and along the North line of Lot #15 of said Pavey's Subdivision, also being the North line of said Breconshire, Section 1, a distance of 1077.2 feet to a point 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road, thence Southerly on and along the East right-of-way of Getz Road, a distance of 391.3 feet to the Southwest corner of Lot #16 of said Pavey's Subdivision said point also being the Southwest corner of Lot #30 of said Breconshire, Section 1; thence Easterly on and along the South line of said Lot #16 of Pavey's Subdivision, also being the South line of said plat of Breconshire, Sectional, a distance of 1075.3 feet to the Southeast corner of Lot #16 of said Pavey's Subdivision, said point also being the Southeast corner of Lot #17 of said plat of Breconshire, Section 1; thence Southerly along the East line of Lot #17 of said Pavey's Subdivision a distance of 195.8 feet to the Southeast corner of said Lot #17; thence Westerly along the South line of said Lot #17, a distance of 844.2 feet to a point; thence Southerly by an interior angle of 91 degrees 13', a distance of 162.75 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 227.6 feet to a point situated 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road a distance of 212.75 feet to the point of beginning, containing 47.56 acres more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Breconshire annexation it is the policy of the City of Fort Wayne

to follow the provisions of Common Council Resolution No. R5679 with regard to the provision of non-capital services to the annexation area.

2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Breconshire annexation ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-15-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-01-20

ANNEXATION ORDINANCE NO. X-01-80

AN ORDINANCE annexing certain territory,
commonly known as Breconshire, to Fort Wayne,
and including the same in Councilmanic District No. 4

WHEREAS, the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast Quarter of Section 7, Township 30 North, RAnge 12 East, Allen County, Indiana, described as follows, to-wit:

Commencing on the South line of said Quarter Section at a point situated 40.0 feet East of the Southwest corner thereof; thence Easterly along the South line of the Northeast Quarter a distance of 2158.79 feet; thence Northerly, by an interior angle of 88 degrees 56', a distance of 1187.2 feet; thence Westerly, by an interior angle of 91 degrees 56' a distance of 757.2 feet; thence Southerly by an interior angle of 88 degrees 04', a distance of 40.5 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 330 feet to the East line of Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence Southerly along the East line of said Pavey's Subdivision, a distance of 195.5 feet to the Northeast corner of Lot #15 of said Pavey's Subdivision, said point also being the Northeast corner of Lot #14 of Breconshire, Section 1, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, appearing in Plat Record Book 43 Page 43 of the Office of the Recorder of Allen County, Indiana; thence Westerly on and along the North line of Lot #15 of said Pavey's Subdivision, also being the North line of said plat of Breconshire, Section 1, a distance of 1077.2 feet to a point 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road, a distance of 391.3 feet to the Southwest corner of Lot #16 of said Pavey's Subdivision, said point also being the Southwest corner of Lot #30 of said plat of Breconshire, Section 1; thence Easterly on and along the South line of said Lot #16 of Pavey's Subdivision, also being the South line of said plat of Breconshire, Section 1, a distance of 1075.3 feet to the Southeast corner of Lot #16 of said Pavey's Subdivision, said point also being the Southeast corner of Lot #17 of said plat of Breconshire, Section 1; thence Southerly along the East line of Lot #17 of said Pavey's Subdivision a distance of 195.8 feet to the southeast corner of said Lot #17, thence Westerly along the South line of said Lot #17, a distance of 844.2 feet to a point; thence Southerly by an interior angle of 91 degrees 13', a distance of 162.75 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 227.6 feet to a point situated 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getze Road a distance of 212.75 feet to the point of beginning; containing 47.56 acres more or less.

Section 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation governmental services of a noncapital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

Section 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

Section 4. Said described territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana 1974.

Section 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-01-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-01

SPECIAL ORDINANCE NO. S-13-80

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1980
(HOLSUM OF FORT WAYNE, INC.)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Holsum of Fort Wayne, Inc. Project regarding the financing of proposed economic development facilities for Holsum of Fort Wayne, Inc., and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980, and also adopted a Resolution on January 22, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Holsum of Fort Wayne, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, and Guaranty Agreement; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Holsum of Fort Wayne, Inc., for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Holsum of Fort Wayne, Inc., under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Mortgage and Indenture of Trust and Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), in the total principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein

by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Holsum of Fort Wayne, Inc., under the Loan Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 7 3/4% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-13-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-13

SPECIAL ORDINANCE NO. S-14-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by the Emergency Medical Services Department for payment of accrued overtime for emergency service work performed by employees of the Department

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budget of the Emergency Medical Department for the payment of accrued overtime for emergency work performed by Emergency Medical Technicians of the Department in the sum of \$37,461, as finally negotiated by the Civil City and the Emergency Medical Technicians and their Union.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Services Personal Account No. 0100194111 of the Emergency Medical Services Department No. 010019 be increased by the sum of \$37,461.00 for the year 1980.

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-14-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-20

SPECIAL ORDINANCE NO. S-15-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by various Departments of the Civil City of Fort Wayne to fund "step" increases granted to employees of said Departments for the 1980, resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budgets of certain of the Departments of the Civil City resulting from "step" increases granted to employees of said Departments for the year 1980 resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the accounts in the 1980 budgets of the various Civil City Departments as hereinafter set forth be increased as follows:

<u>DEPARTMENT</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
Controller	010-002-4111	\$ 1,289.00
Purchasing	010-003-4111	1,777.00
City Clerk	010-004-4111	877.00
Board of Works	010-006-4111	1,870.00
Weights and Measures	010-007-4111	1,105.00
Community Development and Planning	010-008-4111	1,520.00
Street Engineering	010-010-4111	2,124.00
Traffic Engineering	010-011-4111	17,106.00
Police	010-014-4111	2,308.00
Fire	010-015-4111	1,923.00
Humane Commission	010-017-4111	1,042.00
Emergency Medical Services	010-019-4111	15,340.00
Park	010-121-4111	517.00
Parking Administration	010-132-4111	2,451.00

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-15-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-37

RESOLUTION NO. R-16-80

A RESOLUTION authorizing the Mayor and City Clerk to enter into an agreement with the Department of Natural Resources of the State of Indiana for the allocation by the State of the sum of \$400,000.00 to the city to be used by it in its flood control/public access-park system program along the river banks in the Spy Run Creek and West Main Street areas.

WHEREAS, by P.L. 307, Acts of 1979 of the Indiana General Assembly appropriated money to the Department of Natural Resources to be used for flood control and water resource planning in the City of Fort Wayne; and

WHEREAS, the city desires to use some of this money for its flood control/public access-park system program along the river banks in the Spy Creek and West Main Street Areas, and

WHEREAS, the State Budget Committee has allotted the sum of \$400,000.00 for such use; and

WHEREAS, the Department of Natural Resources proposes to enter into a contract with the city regarding the transmittal of such money by the state to the city, the use to which the city shall put such money, and the details of the relationship between the city and the state with regard thereto; and

WHEREAS, a copy of such proposed contract is on file in the office of the Mayor and is by reference incorporated herein and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Mayor and the City Clerk of the City of Fort Wayne, Indiana, are hereby authorized and empowered to sign and execute said contract with the Department of Natural Resources of the State of Indiana, for and on behalf of the City of Fort Wayne, Indiana.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-16-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-18

RESOLUTION NO. R-17-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$890,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and sale facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Pines of America, Inc., and Indiana Corporation ("Corporation") has advised the Fort Wayne Economic Development Commission (the Commission") and the Issuer that they propose that the Issuer acquire, construct and equip an economic development facility and sell the same to the applicant Corporation or loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be a 47,640 square foot manufacturing and warehousing facility for the manufacture and warehousing of youth toys and equipment located in Interstate Industrial Park in the City of Fort Wayne, Indiana (on an approximate 7.029 acre tract of land) ("Project"), and

WHEREAS, the diversification of industry and increase in job opportunities (49 new jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$890,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell the same to the Applicant or loan the proceeds

from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-17-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-19

RESOLUTION NO. R-18-80

A RESOLUTION authorizing the filing of an application for fiscal year 1980 Community Development Block Grant Funds

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread, and

WHEREAS, under the provisions of the Housing and Community Development Act of 1977, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the city's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement application for sixth year Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the attached application for \$2,946,000.00 in sixth year entitlement funds and the accompanying assurances be approved and forwarded to the U. S. Department of Housing and Urban Development under the signature of Mayor Win C. Moses, Jr.

2. That Mayor Win C. Moses, Jr. in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-18-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-22

RESOLUTION NO. R-19-80

A RESOLUTION finding, determining and ratifying an inducement resolution of Fort Wayne Economic Development Commission authorizing the issuance and sale of \$8,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6 4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Mid-Town Development Company (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a 5-story multi-tenant office building to be located at the northwest intersection of Main and Calhoun Streets in downtown Fort Wayne, Indiana; and

WHEREAS, Mid-Town Development Company will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in new jobs (200) with an estimated annual payroll of \$3,000,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$8,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, proved that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-19-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-30

RESOLUTION NO. R-20-80

A Resolution approving the proposed budget
of the Fort Wayne-Allen County Convention
and Tourism Authority for the calendar year 1980

WHEREAS, the Board of Managers of the Fort WayneAllen County Convention and Tourism Authority has prepared and submitted to this body a proposed budget for the calendar year 1980, in accordance with the provisions of I.C. 187187, which budget this body finds to be proper and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1: That the proposed budget of the Fort WayneAllen County Convention and Tourism Authority for the calendar year 1980, as submitted to this council on February 26, 1980, be and the same is hereby approved.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-20-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-09

SPECIAL ORDINANCE NO. S-16-80

AN ORDINANCE approving Change Order
No. 6, Water Contract No. 77-W-2,
Water Works Improvements, Filtration Plant
Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 6 to Hagerman-Shambaugh, in connection with Contract No. 77-W-2, Water Works Improvements Filtration Plant Additions, for:

that installation of additional piles (metal casings filled with concrete, driven fifty (50) feet or so into ground to support structure being constructed),

in the amount of \$47,332.00, as set out in the specifications, which Change Order is on file in the office of the Board of Public Works and is by reference incorporated herein and amde a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-10

SPECIAL ORDINANCE NO. S-17-80

AN ORDINANCE approving a contract,
dated December 27, 1979, with Bercot, Inc.
for the construction of a storm sewer on
North Washington Raod south to Lough Nest,
under Improvement Resolution No. 5857-79
of the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Contract, dated December 27, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Bercot, Inc., contractor:

To construct Storm Sewer on North Washington Road R/W a distance of 76 \pm ft. south to an existing easement on the south side of Lot #7 of North Washington Place Addition and continuing along said easement a distance of 125 \pm ft. to existing R/W of Lough West and 50 \pm ft. to an existing inlet on Lough Nest.

at a cost of \$7,695.90 coming from City Utilities with reimbursement from property owners involved, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-11

SPECIAL ORDINANCE NO. S-18-80

AN ORDINANCE approving Change Order
No. 1, Street Light Improvement Resolution
No. 137-79, ornamental street lighting
for Harrison Hill area, T & F Construction
Corporation, contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 1 to T & F Construction Corporation, for:

the need to relocate power source from Indiana & Michigan Electric Co. facilities. Also to avoid utility conflicts encountered during present construction as well as minimizing future conflicts with utilities

at a cost of \$10,475.00 coming from property owners through the Barrett Bond, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-18-80 on the 26th day of February, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-22

SPECIAL ORDINANCE NO. S-19-80

AN ORDINANCE amending Special Ordinance No. S-130-79, fixing salaries of appointed officers, employees and deputies, etc. for the year 1980, adopted July 31, 1979

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Section 010014 "Police Department" of Special Ordinance No. S-130-79, fixing the salaries of appointed officers, employees and deputies, etc. for the year 1980, adopted July 31, 1979, is hereby amended as follows:

- (1) By reducing the number "46" preceding the position "Sergeant" to "43"; and
- (2) By adding thereto a new and additional line below "Deputy Chief" and above "Captain", as follows:

<u># Authorized</u>	<u>Position</u>	<u>Labor Grade</u>	<u>Salary</u>
"2	Mayor	14	\$18,571.00"

Section 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-19-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-16 (AS AMENDED)

SPECIAL ORDINANCE NO. S- 20-80

AN EMERGENCY ORDINANCE establishing the salaries of employees and new positions in certain of the Civil City Departments of the City of Fort Wayne for the remainder of the year 1980, and terminating other positions

WHEREAS, an emergency exists in the securing and employing of competent personnel to adequately staff certain of the departments of the City of Fort Wayne and to provide for services necessary for the proper operation thereof, which have not been hitherto provided for; and

WHEREAS, the Mayor of the City of Fort Wayne, pursuant to Indiana Code 18-2-1-9, has the power and authority in such an emergency to provide for and appoint such personnel and to fix their salaries subject to the approval of the Common Council; and

WHEREAS, the Mayor of the City of Fort Wayne has recommended the positions, salary and labor grades for the personnel necessary to meet said emergency, and the deletion of certain existing positions in the various departments of the City no longer necessary because of the recommended personnel and positions set forth herein; and

WHEREAS, it is the sense of this body that such changes will improve the efficiency and administration of local government in the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby established and created the following new positions in various departments of the Civil City of Fort Wayne, with salary and labor grade as show, for the remainder of the year 1980, and the following positions heretofore established and created are hereby terminated:

<u>NUMBER OF</u> <u>POSITIONS</u>	<u>TITLE OF POSITION</u>	<u>LABOR</u> <u>GRADE</u>	<u>1980 SALARY</u>
<u>010-001-4111-MAYOR</u>			
New position created:			
1	Executive Assistant	17	17,000
Position terminated:			
1	Executive Secretary A	7	11,049
<u>010-008-4111-COMMUNITY DEVELOPMENT & PLANNING</u>			
New position created:			
1	Deputy Director	18	24,000
Position terminated:			
1	Director, Long Range Planning	17	22,912

3 010-009-4111-LAW DEPARTMENT

4 New position created:

5 6 Associate City Attorneys U 12,796

6 Position terminated:

7 1 Associate City Attorneys U 18,632

8 5 Associate City Attorneys U 12,796

9 010-012-4111-BOARD OF PUBLIC SAFETY

10 New position created:

11 1 Chairman U 5,000

12 010-014-4111-POLICE DEPARTMENT

13 New position created:

14 3 Deputy Chiefs 15 19,227

15 1 Legal Training Officer & 16 22,000

16 Atty. 16 11,996

17 6 Records Bureau Technicians 9 13,960

18 1 Supervisor - Dark Room 10 8,769

19 1 Clerk Typist A 3 8,631

20 10 Clerk Typists/CIT 4 8,631

21 Position terminated:

22 2 Deputy Chiefs 15 19,227

23 1 Attorney U 14,224

24 1 Executive Secretary B 5 9,922

25 1 Executive Secretary B 5 9,460

26 1 Information Specialist 3 8,638

27 1 Clerk Typist A 3 9,202

28 3 Clerk Typist A 3 8,769

29 1 Clerk Typist A 3 8,628

30 4 Clerk Typists A 3 8,074

31 010-015-4111-FIRE DEPARTMENT (AS AMENDED)

32 New position created:

33 7 Assistant Chiefs 15 19,205

34 11 District Chiefs 13 18,305

35 19 Platoon Captains 12 17,556

36 40 Captains 11 16,844

37 20 Lieutenants 10 16,165

38 168 Firefighters 9 15,518

39 Position terminated:

40 1 Deputy Chief 16 21,051

41 6 Assistant Chiefs 15 19,205

42 7 District Chiefs 13 18,305

43 17 Platoon Captains 12 17,556

44 41 Captains 11 16,844

45 18 Lieutenants 10 16,165

46 175 Firefighters 9 15,518

47 010-016-4111-OFFICE OF EMERGENCY SERVICES

48 Position terminated:

49 1/2 Secretary A 6 5,416

50 010-017-4111-HUMANE COMMISSION

51 New position created:

52 2 Utility Persons 7 11,051

53 3 Kennel Workers 3 8,073

54 Position terminated:

55 1 Utility Person 7 11,051

56 2 Kennel Workers 3 8,073

010-018-4111-COMMUNICATIONS (AS AMENDED)

New position created:

1	Assistant Chief	13	18,305
1	Supervising Dispatcher	13	17,556
1	Chief Technician	13	17,556
8	Captains	12	16,844
3	Lieutenants	11	16,315
15	Dispatchers	9	15,518
3	Dispatchers(probationary)	9	14,518

Position terminated:

1	Captain	13	17,914
1	Chief Dispatcher	13	17,114
4	Lieutenants	11	16,476
3	Sergeants	10	16,315
13	Dispatchers	9	15,518
5	Dispatchers (civilian)	9	15,518
4	Radio Technicians	11	16,795
1	Radio Technician	11	16,795

010-019-4111-EMERGENCY MEDICAL SERVICES

New position created:

1	Deputy Director	13	16,843
12	EMT	7	11,889

Position terminated:

10	EMT	7	11,889
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010-020-4111-PUBLIC AFFAIRS

New position created:

1	Citizens Advocate	16	17,000
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Position terminated:

1	Ombudsman	13	15,485
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SECTION 2. If any section, clause, sentence, paragraph, part or provision of this ordinance shall be held invalid, it shall be conclusively presumed that this ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier

COUNCILMAN

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-26

SPECIAL ORDINANCE NO. S-21-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (PENS-CO. PROPERTIES)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the PensCo. Properties a General Partnership Project, regarding the financing of proposed economic development facilities for PensCo. Properties and the Fort Wayne Plan Commission has commented favorable thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 6, 1979, and also adopted Resolutions on December 6, 1979, and February 21, 1980, which Resolutions have been transmitted hereto, finding that the financing of certain economic development facilities of PensCo. Properties complies with the purposes and provisions of I.C. 18-64.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note and Mortgage and Indenture of Trust; now, therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to PensCo. Properties for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of PensCo. Properties, under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 1864.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 1864.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (PensCo. Properties, a General Partnership Project) in the total principal amount of Three Hundred Sixty Thousand Seven Hundred Dollars (\$360,700) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by PensCo. Properties under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9 1/2% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust

securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (PensCo. Properties, a General Partnership Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-21-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

CITY OF FORT WAYNE, INDIANA

SPECIAL ORDINANCE NO. S-22-80

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$900,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS - SERIES A AND B (ALLEN ASSOCIATES THREE PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF FUNDING A LOAN TO ALLEN ASSOCIATES THREE IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED WITHIN THE BOUNDARIES OF THE COUNTY OF ALLEN, NEAR THE CITY FOR USE BY ALLEN ASSOCIATES THREE AND LEASED TO THE PRUDENTIAL INSURANCE COMPANY OF AMERICA; AUTHORIZING EXECUTION OF THE LOAN AGREEMENT, MORTGAGE AND SECURITY AGREEMENT; APPROVING THE FORMS OF THE FIRST MORTGAGE NOTE - SERIES A, PROMISSORY NOTE - SERIES B, AND THE COLLATERAL ASSIGNMENT OF RENTS AND APPROVING THE FORMS OF THE LEASE, THE LESSEE'S STATEMENT AND CONSENT TO ASSIGNMENT, THE MORTGAGOR'S AFFIDAVIT, BUY-SELL AGREEMENT, AFFIDAVIT IN REGARD TO PAYMENT FOR PERSONAL PROPERTY, RE-ASSIGNMENT OF ASSIGNMENT OF RENTS AND ASSIGNMENT OF LOAN AGREEMENT AND SECURITY AGREEMENT; AND AUTHORIZING THE TERMS AND SALE OF SAID BONDS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City"), is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC 18-6-4.5, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to make direct loans to a developer for the acquisition and construction of economic development facilities to overcome insufficient employment opportunities and insufficient diversification of industry in and near the City and to promote the general economic welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering fees, legal fees, all other expenses related thereto during construction, and the costs of issuing the bonds, and to secure said bonds by receiving a mortgage and a collateral assignment of rents on such facilities and notes of the developer of the facilities; and

WHEREAS, Allen Associates Three (the "Developer") is a limited partnership duly organized and existing under the laws of the State of Indiana, with its principal office in Fort Wayne, Indiana, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, The Prudential Insurance Company of America, (the "User") is a corporation duly organized and existing under the laws of the State of New Jersey, with its principal place of business in Essex County, New Jersey, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the Developer has agreed to acquire and construct economic development facilities near the limits of the City and within the limits of the County of Allen, lease the facilities to the User and thereby create new employment opportunities and provide diversification of economic development in and near the area of the City, and make payments on the notes evidencing its loan obligations in an amount or amounts sufficient to pay the principal of, premium, if any, and interest on the economic development revenue bonds hereinafter authorized; and

WHEREAS, the Common Council of the City (the "Council") has heretofore, by Ordinance NoS-19-72 and pursuant to the Act, created the Fort Wayne Economic Development Commission (the "Commission") and the members of the Commission have been duly appointed and qualified pursuant to law and the Commission has organized and undertaken the duties imposed upon it by the Act and has found by written resolution No. R-52-79, dated September 7, 1979, that because of existing insufficient employment opportunities and insufficient diversification of industry, the economic welfare of the City would be benefited by financing the acquisition of economic development facilities for and on behalf of the Developer; and

WHEREAS, the Council has heretofore, by Resolution No. R-52-79, dated September 11, 1979, induced the Developer to make acquisitions and to undertake construction of economic development facilities within the limits of the County of Allen, near the City; and

WHEREAS, the Commission has, by resolution, approved a report estimating the public services which would be made necessary or desirable, and the expense thereof, the number of jobs, the estimated payroll on account of the acquisition of the economic development facilities and the cost of the economic development facilities and has submitted such report to the Allen County Planning Commission, the planning agency with jurisdiction over the economic development facilities; and

WHEREAS, after giving notice in accordance with the Act, the Commission held on February 21, 1980, a public hearing on the proposed financing and thereafter adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City and the County of Allen and their citizens, and approving the financing and the final form and terms of the proposed financing and authorizing the issuance by the City of \$900,000.00 principal amount of Economic Development Revenue Bonds - Series A (the "Series A Bond") and Series B (the Series B Bond) (Allen Associates Three Project) (the "Bonds") payable solely from the sources, having such terms and provisions as provided herein and secured as provided by a Loan Agreement, Mortgage and Security Agreement between the City, the Developer and Anthony Wayne Bank ("Anthony Wayne") and Allen State Bank ("Allen Bank"), the proposed bond purchasers (collectively the "Bondholders") (the "Agreement"); a First Mortgage Note - Series A (the "Series A Note") and a Promissory Note - Series B (the "Series B Note") of the Developer (the "Notes"); a

Collateral Assignment of Rents of the Developer (the "Assignment of Rents"); a Lease between Developer, as lessor, and the User, as lessee (the "Lease"); a Buy-Sell Agreement to be executed by Anthony Wayne and Metropolitan Life Insurance Company ("Metropolitan") (the "Buy-Sell Agreement"); an Affidavit in Regard to Payment for Personal Property of Developer (the "Personal Property Affidavit"); the Mortgagor's Affidavit of Developer (the "Mortgagor's Affidavit"); the Re-Assignment of Assignment of Rents of Anthony Wayne to Metropolitan (the "Re-Assignment"); an Assignment of Loan Agreement, Mortgage and Security Agreement of Anthony Wayne to Metropolitan ("Assignment of Loan Agreement"); and a Lessee's Statement and Consent to Assignment from the User (the "Lessee's Statement"), which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Council by the Secretary of the Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Public Benefits. The Council hereby finds and determines that the real estate, interests in the real estate, other improvements thereon and other machinery and equipment (the "Project") to be acquired and constructed with the proceeds of the Bonds herein authorized as "economic development facilities" as that phrase is used in the Act and acquisition and construction of the Project will increase employment opportunities and increase diversification of economic development in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area and will be of benefit to the

health and welfare of the City and the County of Allen and their citizens and complies with the purposes and provisions of the Act.

Section 2. Authorization of \$900,000.00 Economic Development Revenue Bonds. In order to pay the cost of acquiring and constructing the Project, there is hereby authorized to be issued, sold and delivered the Bonds in aggregate principal amount of \$900,000.00. It is hereby recognized that pursuant to the terms of the Agreement, any balance of the cost of the Project will be paid for by the Developer.

Section 3. Terms for the Bond. The total principal amount of the Bonds is hereby expressly limited to \$900,000.00. The City shall issue and sell the Bonds to the Bondholders. The terms of the Bonds shall be such as are set forth in the forms of the Bonds which are as follows:

UNITED STATES OF AMERICA
STATE OF INDIANA
COUNTY OF ALLEN

THE CITY OF FORT WAYNE, INDIANA
Economic Development Revenue Bond - Series A
(Allen Associates Three Project)

\$675,000.00

The City of Fort Wayne, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana (hereinafter referred to as "Issuer"), for value received, promises to pay from the source and as hereinafter provided, Anthony Wayne Bank, at its principal office in Fort Wayne, Indiana ("Anthony Wayne"), on or before July 1, 1995, the principal amount of the Six Hundred Seventy-five Thousand Dollars (\$675,000.00) with interest on the outstanding principal balance existing from time to time thereon at a rate of eight and three-fourths percent (8-3/4%) per annum from the date hereof until paid, interest only payments commencing on the first day of _____, 1980, and on the first day of each calendar month thereafter until regular monthly installments of principal and interest begin and principal and interest being payable in payments of Five Thousand Five Hundred Fifty-two Dollars (\$5,552.00) per month on the first day of each calendar month commencing on September 1, 1980, and continuing until maturity. Any remaining principal and interest shall be paid at maturity. Payments shall be applied first to interest and

then to principal. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America. The principal and the interest on this Bond are payable by check or draft mailed to the registered owner hereof at his address designated above, or at such other address designated in writing by the owner to Issuer. The default rate of interest and late charge provided in the hereinafter described Series A Note shall be the default rate of interest and late charge under this Bond.

This Series A Bond has been issued in the aggregate principal amount of Six Hundred Seventy-five Thousand Dollars (\$675,000.00) under the hereinafter described Loan Agreement, Mortgage and Security Agreement, pursuant to which this Bond has been issued for the purpose of providing funds to finance, in whole or in part, the cost of acquiring real estate and acquiring and installing equipment and personal property and the cost of constructing improvements on said real estate (such real estate, equipment, personal property and improvements being hereinafter called the "Project"), and paying expenses incidental thereto, so as to increase employment and promote diversification of economic development in and near Fort Wayne, Indiana.

The proceeds of this Bond will be loaned by Issuer to ALLEN ASSOCIATES THREE, a limited partnership organized and existing under and by virtue of the laws of the State of Indiana (hereinafter referred to as the "Company"), under the terms of a Loan Agreement, Mortgage and Security Agreement, dated as of even date by and among Issuer, Anthony Wayne, Company and The Allen State Bank (which Agreement, as from time to time supplemented and amended, is hereinafter referred to as the "Agreement"), and Company has issued the Series A Note (as defined in the Agreement) dated as of even date as security for its obligation to repay such loan and the other obligations to be performed pursuant to the Agreement.

If a determination shall have been made that interest on this Bond is subject to federal income taxes as a result of any action or inaction on the part of the Company, the rate of interest on the Series A Note and on this Bond during any period in which the interest is deemed taxable shall be ten and three-fourths percent (10-3/4%) per annum (rather than eight and three-fourths percent (8-3/4%) per annum) while the Series A Note is not in default and eighteen percent (18%) per annum (rather than fifteen percent (15%) per annum) while there is a default under the Series A Note.

This Bond is issued under and entitled to the security of the Agreement.

Reference is made to the Agreement and to all amendments supplemental thereto for a description of the property in which security interests are granted, and provisions, among others, with respect to the nature and extent of the security, the rights, duties and obligations of Issuer and Company, the rights of the holder of this Bond, and to all the provisions of which the holder hereof by the acceptance of this Bond assents.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the principal office of Issuer in Fort Wayne, Indiana.

This Bond is callable for redemption in the event (i) Company shall exercise its option to prepay the Series A Note as provided in subsection 9.1(a) of the Agreement, or (ii) Company shall be obligated to make prepayment of the Series A Note as provided in subsection 9.1(b) or Section 9.2 of the Agreement. If the Series A Note is prepaid pursuant to subsection 9.1(a) of the Agreement, the redemption price for this Bond will be 100% of the principal amount thereof plus accrued interest to the date of redemption, plus, in case the prepayment is made after August 1, 1992, three percent (3%) of the prepayment, which prepayment fee percentage shall decline by one-half of one percent (1/2%) during each one year period thereafter. If the Series A Note is prepaid pursuant to subsection 9.1(b) or Section 9.2 of the Agreement, this Bond shall be subject to redemption on the immediately succeeding installment payment date, in whole or (in the case of prepayment pursuant to subsection 9.1(b) of the Agreement) in part as provided in the Agreement. If the Series A Note is prepaid pursuant to subsection 9.1(b) or pursuant to Section 9.2 of the Agreement, the redemption price for this Bond will be 100% of the principal amount thereof plus accrued interest to the date of redemption.

In the event this Bond, or portions thereof, are called for redemption as aforesaid, notice thereof identifying this Bond, or portions thereof, to be redeemed will be given by mailing a copy of the redemption notice by registered or certified mail at least thirty days prior to the date fixed for redemption to the registered owner of this Bond, or portion thereof, to be redeemed at the address shown on the registration books.

This Bond, or portions thereof, so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption are on deposit at the place of payment at that time.

This Bond is issued pursuant to and in full compliance with the constitution and laws of the State of Indiana, particularly Title 18, Article 6, Chapter 4.5 of the Indiana Code, and pursuant to an Ordinance adopted and approved by the Common Council of The City of Fort Wayne, Indiana, which Ordinance authorizes the execution and delivery of the Agreement and this Bond. This Bond is a limited obligation of Issuer and is payable solely from the revenues and other amounts derived from the Series A Note and Agreement and otherwise as provided in the Agreement. This Bond does not now and shall never constitute a charge against the general credit or taxing powers of The City of Fort Wayne, Indiana.

Pursuant to the provisions of the Agreement, payments on the Series A Note sufficient for the prompt payment when due of the principal of, premium, if any, and interest on this Bond are to be paid by Issuer and deposited in a special account created by Issuer with the holder of this Bond and designated "The City of Fort Wayne, Indiana, Economic Development Revenue Bond Fund - Series A - Allen Associates Three Project", and such payments have been duly pledged for that purpose.

The holder of this Bond shall have the right to enforce the provisions of the Agreement and to institute action to enforce the covenants therein, or to take any action with

respect to any event of default under the Agreement, and to institute, appear in or defend any suit or other proceedings with respect thereto, as provided in the Agreement. In certain events, on the conditions, in the manner and with the effect set forth in the Agreement, the principal of this Bond then outstanding may become or may be declared due and payable before the stated maturity thereof, together with interest accrued thereon.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that all acts, conditions and things required to exist, happen and be performed precedent to the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law; and that the issuance of this Bond and the issue of which it forms a part, together with all other obligations of Issuer does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, The City of Fort Wayne, Indiana, has caused this Bond to be issued and executed in its corporate name by the signature of its duly elected, qualified, and acting Mayor, and attested by the signature of the Clerk-Treasurer, and its corporate seal to be hereunto affixed, imprinted, impressed or otherwise reproduced hereon, effective all as of the 1st day of _____, 1980.

THE CITY OF FORT WAYNE, INDIANA

By _____, Mayor

(SEAL)
ATTEST:

Clerk-Treasurer

Assignment

For Value Received _____ hereby
sell(s), assign(s) and transfer(s) unto _____

(Please print or type name and address including postal zip code of transferee) (Taxpayer I.D. Number of assignee)

the within Bond, together with accrued interest thereon and all right, title and interest thereto, and hereby irrevocably authorize(s) and appoint(s) _____ attorney to transfer such Bond on the books of the within named Issuer with full power of substitution.

Dated _____

L.S.

UNITED STATES OF AMERICA
STATE OF INDIANA
COUNTY OF ALLEN

THE CITY OF FORT WAYNE, INDIANA
Economic Development Revenue Bond - Series B
(Allen Associates Three Project)

\$225,000.00

The City of Fort Wayne, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana (hereinafter referred to as "Issuer"), for value received, promises to pay from the source and as hereinafter provided, Allen State Bank ("Allen Bank"), at its principal office in Fort Wayne, Indiana, on or before _____, 1990, the principal amount of the Two Hundred Twenty-five Thousand Dollars (\$225,000.00) with interest on the outstanding principal balance existing from time to time thereon at a rate of nine and three-fourths percent (9-3/4%) per annum from the date hereof until paid, principal and interest being payable in payments of Two Thousand One Hundred Thirty-four Dollars and Twenty Cents (\$2,134.20) per month on the first day of each calendar month commencing on _____, 1980, and continuing until maturity. Any remaining principal and interest shall be paid at maturity. Payments shall be applied first to interest and then to principal. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America. The principal and the interest on this Bond are payable by check or draft mailed to the registered owner hereof at his address designated above, or at such other address designated in writing by the owner to Issuer. The default rate of interest and late charge provided in the hereinafter described Series B Note shall be the default rate of interest and late charge under this Bond.

This Series B Bond has been issued in the aggregate principal amount of Two Hundred Twenty-five Thousand Dollars (\$225,000.00) under the hereinafter described Loan Agreement, Mortgage and Security Agreement, pursuant to which this Bond has been issued for the purpose of providing funds to finance, in whole or in part, the cost of acquiring real estate and acquiring and installing equipment and personal property and the cost of constructing improvements on said real estate (such real estate, equipment, personal property and improvements being hereinafter called the "Project"), and paying expenses incidental thereto, so as to increase employment and promote diversification of economic development in and near Fort Wayne, Indiana.

The proceeds of this Bond will be loaned by Issuer to ALLEN ASSOCIATES THREE, a limited partnership organized and existing under and by virtue of the laws of the State of Indiana (hereinafter referred to as the "Company"), under the terms of a Loan Agreement, Mortgage and Security Agreement, dated as of even date by and among Issuer, Allen Bank, Company and Anthony Wayne Bank (which Agreement, as from time to time supplemented and amended, is hereinafter referred to as the "Agreement"), and Company has issued the Series B Note (as defined in the Agreement) to Issuer as security for its obligation to repay such loan and the other obligations to be performed pursuant to the Agreement.

If a determination shall have been made that interest on this Bond is subject to federal income taxes as a result of any action or inaction on the part of the Company, the rate of interest on the Series B Note and on this Bond during any period in which the interest is deemed taxable shall be eleven and three-fourths percent (11-3/4%) per annum (rather than nine and three-fourths percent (9-3/4%) per annum) while the Series B Note is not in default and eighteen percent (18%) per annum (rather than fifteen percent (15%) per annum) while there is a default under the Series B Note.

This Bond is issued under the Agreement.

Reference is made to the Agreement and to all amendments supplemental thereto for a description of the rights, duties and obligations of Issuer and Company, the rights of the holder of this Bond, and to all the provisions of which the holder hereof by the acceptance of this Bond assents.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the principal office of Issuer in Fort Wayne, Indiana.

This Bond is issued pursuant to and in full compliance with the constitution and laws of the State of Indiana, particularly Title 18, Article 6, Chapter 4.5 of the Indiana Code, and pursuant to an Ordinance adopted and approved by the Common Council of The City of Fort Wayne, Indiana, which Ordinance authorizes the execution and delivery of the Agreement and this Bond. This Bond is a limited obligation of Issuer and is payable solely from the revenues and other amounts derived from the Series B Note and Agreement and otherwise as provided in the Agreement. This Bond does not now and shall never constitute a charge against the general credit or taxing powers of The City of Fort Wayne, Indiana.

Pursuant to the provisions of the Agreement, payments on the Series B Note sufficient for the prompt payment when due of the principal of, premium, if any, and interest on this Bond are to be paid by Issuer and deposited in a special account created by Issuer with the holder of this Bond and designated "The City of Fort Wayne, Indiana, Economic Development Revenue Bond Fund - Series B - Allen Associates Three Project", and such payments have been duly pledged for that purpose.

The holder of this Bond shall have the right to enforce the provisions of the Agreement and to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Agreement, and to institute, appear in or defend any suit or other proceedings with respect thereto, as provided in the Agreement. In certain events, on the conditions, in the manner and with the effect set forth in the Agreement, the principal of this Bond then outstanding may become or may be declared due and payable before the stated maturity thereof, together with interest accrued thereon.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that all acts, conditions and things required to exist, happen and be performed precedent to the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law: and that the issuance of this Bond

and the issue of which it forms a part, together with all other obligations of Issuer does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, The City of Fort Wayne, Indiana, has caused this Bond to be issued and executed in its corporate name by the signature of its duly elected, qualified, and acting Mayor, and attested by the signature of the Clerk-Treasurer, and its corporate seal to be hereunto affixed, imprinted, impressed or otherwise reproduced hereon, effective all as of the 1st day of _____, 1980.

THE CITY OF FORT WAYNE, INDIANA

By _____, Mayor

(SEAL)
ATTEST:

Clerk-Treasurer

Assignment

For Value Received _____ hereby
sell(s), assign(s) and transfer(s) unto

(Please print or type name and address including postal zip code of transferee) (Taxpayer I.D. Number of assignee)

the within Bond, together with accrued interest thereon and all right, title and interest thereto, and hereby irrevocably authorize(s) and appoint(s) _____ attorney to transfer such Bond on the books of the within named Issuer with full power of substitution.

Dated _____

L.S.

The Bonds are limited obligations of the City, payable solely from payments of principal, premium, if any, and interest made by the Developer on the Notes, except to the extent that the principal of, premium, if any, and interest on the Bonds may be paid out of money attributable to Bond proceeds or from temporary investments, or from other moneys, if any, accruing for the benefit of the Bondholders. The Notes and Agreement shall secure the Bonds as provided in the Agreement. Payments

by the Developer on the Notes shall be used by the Bondholders to make a like payment of principal, premium, or interest on, the Bonds.

The City will assign to Anthony Wayne the City's rights under the Agreement and the Series A Note and Assignment of Rents, including the right of the City to receive the Series A Note and to receive payments thereunder, all as security for the payment of the Series A Bond. The City will assign to Allen Bank the Series B Note, including the right of the City to receive the Series B Note and to receive payments thereunder. The Bonds will be secured as provided in the Agreement and the Assignment of Rents and the terms of said instruments are adopted herein by reference.

The Notes and the foregoing documents will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the holders only against the Bond Funds and the Construction Fund created under the Agreement and other moneys and security actually or constructively held by the Bondholders pursuant to the Agreement. The City will have no ownership interest in the Project, and the Bonds will not be secured by any other mortgage or other security interest in the Project or in any other property of the Developer.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of the City.

Section 4. Sale of the Bonds. The Mayor of the City and the Clerk-Treasurer of the City are hereby authorized and directed to sell the Bonds to Bondholders, at a price of par, plus accrued interest from the first day of the month during which the Bonds are delivered, to the date of delivery of the Bonds and upon such other terms as are provided in the Agreement. The Bonds shall be executed on behalf of the City

with the manual or facsimile signature of the Mayor, and shall have affixed, impressed, imprinted or otherwise reproduced thereon the corporate seal of the City or a facsimile thereof and attested by the manual or facsimile signature of its Clerk-Treasurer. All authorized facsimile signatures shall have the same force and effect as if manually signed. In case any official of the City whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such official before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. In the event the Bonds are mutilated, lost, stolen or destroyed, the City may execute and deliver new bonds of like date, maturity and denomination; provided that, in the case the Bonds are mutilated, the Bonds shall first be surrendered to the City, and in the case the Bonds are lost, stolen or destroyed, there shall be first furnished to the City evidence of such loss, theft or destruction satisfactory to the City, together with any indemnity satisfactory to it. In the event the Bonds shall have matured, instead of issuing duplicate Bonds, the City may pay the same without surrender thereof. The City may charge the holder or owner of the Bonds with its reasonable fees and expenses in this connection.

Section 5. Approval of Form of Financing Agreement. The final forms of the Agreement, Series A Note, Series B Note, Assignment of Rents, Lease, Buy-Sell Agreement, Personal Property Affidavit, Mortgagor's Affidavit, Re-Assignment, Assignment of Loan Agreement and Lessee's Statement, heretofore approved by the Commission, and all other documents referred to herein, are hereby approved, and all such documents (herein collectively referred to as the "Financing Agreement" referred to in IC 18-6-4.5), shall be incorporated herein by reference

and shall be inserted in the minutes of the Council and kept on file by the Clerk-Treasurer. The City hereby covenants to comply with all obligations to be performed by the City pursuant to the Financing Agreement.

Section 6. Execution of Financing Agreement. The Mayor and Clerk-Treasurer are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bond herein authorized. The signatures of the Mayor and Clerk-Treasurer may be facsimile signatures. The Clerk-Treasurer is authorized to arrange for delivery of the Bonds to the Bondholders.

Section 7. Binding Contract. The provisions of this Ordinance and the Agreement shall collectively constitute a contract binding between the City and the Bondholders and after the issuance of the Bonds this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds so long as the Bonds remain unpaid.

Section 8. Binding Effect. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted this ____ day of February, 1980.

CITY OF FORT WAYNE

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eiabart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-22-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-28

SPECIAL ORDINANCE NO. S-23-80

AN ORDINANCE approving an Agreement to
Purchase Real Estate by Lee M. Heath and
Derald Dafforn

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated January 29, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Lee M. Heath and Derald Dafforn for:

WEST 23' OF LOT 11, COLLEGE ADDITION, known as
1235 Maumee Avenue

at a price of \$125.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-23-80 on the 11th day of March, 1980

ATTEST:

(SEAL)



Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-33

SPECIAL ORDINANCE NO. S-24-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-08030 with DeHaven Chevrolet
for trucks for Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Civil City Purchase Order, numbered and listed below, dated February 14, 1980, by and through the Civil City Purchasing Agent and the Board of Public Works and the following company for the purchase of trucks for the Street Department in the amount as hereafter set out, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to-wit:

<u>NUMBER</u>	<u>VEHICLE</u>	<u>COMPANY</u>	<u>AMOUNT</u>
4-08030	1980 Chevrolet C-10 Half Ton Pick-up Trucks	DeHaven Chevrolet	\$21,113.40

Section 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-24-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-29

RESOLUTION NO. R-22-80

A RESOLUTION confirming the Declaratory Resolution to amend the Urban Renewal Plan for Neighborhood Development Program (IND. A-14) adopted by the City of Fort Wayne, Department of Redevelopment on October 8, 1979 and confirming the Approval Order and Resolution of the Fort Wayne City Plan Commission concerning the above on November 26, 1979

WHEREAS, the Fort Wayne Redevelopment Commission adopted Declaratory Resolution to amend the Urban Renewal Plan for Neighborhood Development Program (IND. A14) on October 8, 1979, based on plans filed in the office of said Fort Wayne Redevelopment Commission; and

WHEREAS, the Plan Commission of the City of Fort Wayne, at its Executive Session on November 26, 1979, adopted and issued a written order approving said Declaratory Resolution and Amendment to the Urban Renewal Plan referred to therein, relative to the said Neighborhood Development Program (IND. A14); and

WHEREAS, the foregoing actions of the Fort Wayne Redevelopment Commission and the Fort Wayne City Plan Commission are in accordance with the provisions of the Redevelopment of Cities and Towns Act of 1953 (Chapter 176 of the Acts of 1953 of the General Assembly of the State of Indiana, as Amended and Supplemented) (I.C. 18771 et seq.).

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the said actions are hereby approved, ratified and confirmed.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-22-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-31

RESOLUTION NO. R-23-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$260,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 186-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, TecHackett Engineering, Inc. (Elizabeth A. Hughes Project) (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for the sale, distribution and service of air and hydraulic components and systems located at 120 West Superior Street, Fort Wayne, Indiana; and

WHEREAS, Tec-Hackett Engineering, Inc. (Elizabeth A. Hughes Project) will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in new jobs (7) with an estimated annual payroll of \$50,000, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$260,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schimdt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-23-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-04

RESOLUTION NO. R-24-80

AN AMENDED RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, The First National Bank of Crown Point, Trustee, under Trust No. 530161 (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for an office building located on the north side of Wayne Street between Clinton and Barr Street containing 240,000 net rentable square feet on five floors; and

WHEREAS, the diversification of industry and increase in new jobs (1,250 to 2,000) with an estimated annual payroll of \$15,000,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

WHEREAS, the Common Council has heretofore adopted on February 12, 1980 Resolution

No. R1480 entitled "A Resolution finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project", which Resolution contained scrivener's errors in the third and fourth preamble paragraphs, and

WHEREAS, the Common Council, for the purpose of correcting said scrivener's errors, desires to amend said Resolution No. R-14-80 by rescinding, and revoking same in its entirety, and in its place and stead adopting the following Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. Resolution No. R1480 heretofore adopted on February 12, 1980 is hereby rescinded and revoked in its entirety and the following is substituted therefor:

2. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

5. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Eisbart, GiaQuinta

Date: 3-11-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-24-80 on the 11th day of March, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-05

RESOLUTION NO. R-25-80

A RESOLUTION authorizing payment to a repair
agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amount hereafter listed, and a repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to wit:

<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
Fire Dept., Rescue 11 1977 Dodge Van	\$138.00	Poinsatte Motors, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-25-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-06

RESOLUTION NO. R-26-80

A RESOLUTION authorizing the temporary advancement of funds from the Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road & Street Fund to the General Fund for the period ending December 31, 1980

WHEREAS, it has become necessary to borrow money to enhance the delpeted General fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and local Road & Street Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Controller of the City of Fort Wayne be and is hereby authorized to transfer the sum of \$4,100,000.00 to the General Fund from the following funds if and when needed:

Revenue Sharing Trust Fund	\$2,400,000.00
Motor Vehicle Highway Fund	500,000.00
Local Road & Street Fund	<u>1,200,000.00</u>
Total of Transfer	\$4,100,000.00

which said sum shall be returned and repaid to the aforementioned funds on or before December 31, 1980.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 3-11-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-26-80 on the 11th day of March, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-07

RESOLUTION NO. R-27-80

A RESOLUTION OPPOSING REQUESTED RATE
INCREASE BY GENERAL TELEPHONE COMPANY
OF INDIANA, INC.

WHEREAS, General Telephone Company of Indiana, Inc. has requested of the Public Service Commission of Indiana, a twenty two percent (22%) rate increase for its telephone services to customers; and,

WHEREAS, in its considered opinion the Common Council of the City of Fort Wayne, has reason to oppose said requested increase of rate; and,

WHEREAS, there should be held, a local hearing to provide residents of the City of Fort Wayne, Indiana, with an opportunity to speak out against said request for rate increase;

NOW THEREFORE BE IT RESOLVED:

SECTION 1. That the Common Council of the City of Fort Wayne, Indiana, does hereby go on record as opposing any rate increase by General Telephone Company of Indiana, Inc.,

SECTION 2. That the Common Council of the City of Fort Wayne, Indiana, does further go on record as requesting a local field hearing in the City of Fort Wayne at a place convenient for the residents of the City of Fort Wayne to attend the hearing on General Telephone Company of Indiana, Inc.'s request for rate increase.

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the Public Service Commission of Indiana.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

D. Schmidt

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-27-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

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1 G-79-12-15 (AS AMENDED)
2 BILL NO.

3 GENERAL ORDINANCE NO. G- 06-80

4 AN ORDINANCE classifying, regulating and restricting
5 the location, height, area, bulk and use of buildings
6 and structures and the use of land within the terri-
7 torial jurisdiction of the City Plan Commission of the
8 City of Fort Wayne, Indiana, for said purposes dividing
9 such territory into districts, and amending Chapter 33
10 of the Code of the City of Fort Wayne, Indiana, 1974.

11 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
12 INDIANA:

13 SECTION 1. That Chapter 33 of the Code of the City of Fort Wayne,
14 Indiana, of 1974, be and the same is hereby amended to be and read as fo
15 llows:

16 ARTICLE I. PURPOSE

17 Section 33-1. The zoning regulations and zone districts as herein
18 set forth are made in accordance with a comprehensive plan in order that
19 adequate light, air, convenience of access, and safety from fire, flood and
20 other danger may be secured; that congestion in the public streets may be
21 lessened or avoided; and that the public health, safety, comfort, morals,
22 convenience and general public welfare may be promoted. They are made with
23 reasonable regard to existing conditions, the character of buildings erected
24 in each district, the most desirable use for which the land in each district
25 may be adapted and the conservation of property values throughout the terri-
26 tory under the jurisdiction of the City Plan Commission of the City of Fort
27 Wayne, Indiana.

28 ARTICLE II. GENERAL PROVISIONS

29 Section 33-2. RULES OF CONSTRUCTION. In this chapter words used
30 in the present tense include the future, the singular includes the plural
31 and the plural the singular. Unless otherwise specified, all distances
32 shall be measured horizontally, in any direction.

33 Section 33-3. DEFINITIONS. The following terms, unless a con-
34 trary meaning is required by the context or specifically otherwise pre-
35 scribed, shall have the following meanings:

36 (A) Accessory Building and Use

37 (1) A building or use subordinate to another struc-
38 ture or use located on the same lot and which does not change or alter the
39 character of the premises.

40 (2) Public utility communication, electric, gas,
41 water and sewer lines, their supports and incidental equipment.

42 (3) Where a substantial part of the wall of an
43 accessory building is part of the wall of the main building or where an
44 accessory building is attached to the main building in a substantial manner
45 as by a roof, such accessory building shall be counted as part of the main
46 building.

47 (B) Accessory Living Quarters - Living quarters within an
48 accessory building for the sole use of persons employed on the premises;
49 such quarters having no kitchen facilities and not rented or otherwise used
50 as a separate dwelling.

51 (C) Alley - A right-of-way other than a street, road,
52 crosswalk or easement, designed for the special accommodation of the proper-
53 ty it reaches.

54 (D) Block Face - The side of two city blocks that face a
55 common street.

56 (E) Block Group - A block group is a combination of con-
57 tiguous blocks having a combined average population of about 1,000. Block
58 groups are approximately equal in area (discounting parks, cemeteries,
59 railroads, yards, industrial plants, rural areas, etc.); they are subdivi-
60 sions of census tracts which simplify numbering and data control. Each
61 block is identified by the first digit of the three-digit block number.
62 Block group "1" will contain any block in range 101-199, block group "2" in
63 range 201-299, etc.

64 (F) Board - the Board of Zoning Appeals of the City of
65 Fort Wayne.

66 (G) Building - A structure having a roof supported by
67 columns or walls designed, built or used for the enclosure, shelter or
68 protection of persons, animals, chattels or property.

69 (H) Building, Detached - A building having no structural
70 connection with another building.

71 (I) Building, Height of - The vertical distance measured
72 from the adjoining street centerline grade at a point opposite the center of
73 the principal frontage of the building to the highest point of ceiling of
74 the top story in the case of a flat roof; to the deck line of a mansard
75 roof; and to the mean heights level between the eaves and ridge of a gable,
76 hop or gambrel roof. Where the buildings are set back from the street line,
77 the heights of the building may be measured from the average elevation of
78 the finished lot grade at the front of the building.

79 (J) Building Line - The line nearest the front of and
80 across a lot establishing the minimum open space to be provided between the
81 front line of a building or structure and the street right-of-way line.

82 (K) Building, Main - A building constituting the principal
83 use of a lot.

84 (L) Building, Nonconforming - A legally existing building
85 which fails to comply with the regulations set forth in this chapter applic-
86 able to the district in which such building is located.

87 (M) Building, Semi-Detached - A main building having one
88 wall in common with an adjacent main building.

26 (N) Camp Ground - Any area or tract of land used or rented
for occupancy by campers using tents for periods not to exceed two weeks.

27 (O) Cemetery - Land used for the burial of the dead and
28 dedicated for cemetery purposes, including columbariums, crematories,
mausoleums and mortuaries when operated in conjunction with and within the
29 boundary of such cemetery.

30 (P) Certificate of Occupancy - A certificate issued by the
Zoning Enforcement Officer stating that the occupancy and use of land or a
31 building or structure referred to therein complies with the provisions of
this chapter.

32 (Q) Clinic or Medical Health Center - An establishment
where patients are admitted for special study and treatment by two or more

1 licensed physicians and their professional associates, practicing medicine
2 together.

3 (R) Commission - The Fort Wayne City Plan Commission.

4 (S) District or Zone - A section of the territorial juris-
5 dictional area of the Fort Wayne City Plan Commission for which uniform
6 regulations governing the use, heights, area, size and intensity of use of
buildings and land, and open spaces about buildings are established by this
chapter.

7 (T) Dwelling - A building or portion thereof, used pri-
8 marily as a place of abode for one or more human beings, but not including
hotels, lodging or boarding houses or tourist homes.

9 (U) Dwelling, Multiple Family - A building or portion
10 thereof used for occupancy by two, three or more families living independ-
ently of each other.

11 (V) Dwelling, One Family - A building used for occupancy
by one family.

12 (W) Dwelling, Two Family - A building used for occupancy
13 by two families living independently of each other.

14 (X) Dwelling Unit - A dwelling or a portion of a dwelling
15 or of an apartment hotel used by one family for cooking, living and sleeping
purposes.

16 (Y) Educational Institution - Public, parochial, charit-
17 able or non-profit junior college, college or university, other than trade
or business schools, including instructional and recreational uses, with or
18 without living quarters, dining rooms, restaurants, heating plants and other
incidental facilities for students, teachers and employees.

19 (Z) Extended Group Home - A facility located in a residen-
20 tial community providing shelter and/or rehabilitation for from seven (7) to
fourteen (14) children under the age of eighteen (18) years, referred by a
21 governmental body or duly licensed social service agency, who for various
reasons cannot reside in their family home. Twenty-four hour adult super-
22 vision is mandatory and professional supervision and consultation is avail-
able to both child care staff and children. The purpose of this type of
23 facility is to provide a service for the child who does not need the struc-
ture of an institution in that he/she does not present a threat to the
community, yet is not a foster home candidate. The goal of the service is
24 to return home, other placement or emancipation, depending upon the age of
the child and the circumstances of his/her family.

25 (AA) Family - One or more persons living as a single house-
26 keeping unit, as distinguished from a group occupying a hotel, club, nurses
home, fraternity or sorority house. A family shall be deemed to include
27 servants.

28 (BB) Garage, Private - A detached accessory building or a
29 portion of a main building, used for the storage of self-propelled vehicles
where the capacity does not exceed three vehicles, or not more than one and
one-half vehicles per family housed in the building to which such garage is
30 accessory, whichever is the greater.

31 (CC) Garage, Public - Any building or structure other than
a private garage, and which is used for storage, repair, rental, greasing,
32 washing, servicing, adjusting or equipping of automobiles or other motor
vehicles.

1 (DD) Half-Way House - A resident facility for sixteen (16)
2 or less persons eighteen (18) years of age or older, referred by a govern-
mental body or duly licensed social service agency, which provides short-
3 term rehabilitative services in a transitional environment, to persons who
are physically, emotionally or socially handicapped. The goal of the ser-
4 vice is to aid the individual's successful re-entry into the community as an
independent and a productive member.

5 (EE) Home Occupation - Any use conducted entirely within a
6 dwelling and participated in solely by members of the family, which use is
clearly incidental and secondary to the use of the dwelling for dwelling
7 purposes and does not change the character thereof and in connection with
which there is no commodity sold upon the premises except that which is
8 produced thereon, and provided, however, in no event shall a barbershop,
beauty parlor, tea room or animal hospital be construed as a home occupa-
9 tion.

10 (FF) Hotel or Motel - A structure or portion thereof in
11 which more than five guest rooms are used to provide or offer temporary
accommodations for transient guests.

12 (GG) Improvement Location Permit - A permit issued by the
 13 Zoning Enforcement Officer stating that the proposed erection, construction,
 14 enlargement or moving of the building or structure referred to therein
 15 complies with the provisions of this chapter.

16 (HH) Junkyard - Including Automobile Wrecking - a lot or a
 17 part thereof used for the storage, keeping, dismantling, abandonment or sale
 18 of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

19 (II) Kennel, Animal - Any place where more than three dogs
 20 or more than three any single type of domestic animals are kept. For this
 21 purpose such animals shall not be counted until they reach the age of six
 22 months.

23 (JJ) Limited Group Home - A facility located in a residen-
 24 tial community providing shelter and/or rehabilitation for six (6) or less
 25 children under the age of eighteen (18) years, referred by a governmental
 26 body or duly licensed social service agency, who for various reasons cannot
 27 reside in their family home. Twenty-four hour adult supervision is manda-
 28 tory and professional supervision and consultation is available to both
 29 child care staff and children. The purpose of this type of facility is to
 30 provide a service for the child who does not need the structure of an insti-
 31 tution in that he/she does not present a threat to the community, yet is not
 32 a foster home candidate. The goal of the service is to return home, other
 placement or emancipation, depending upon the age of the child and the
 circumstances of his/her family.

(KK) Lodging House - A building with more than two but not
 more than ten (10) guest rooms where lodging with or without meals is
 provided.

(LL) Lot - A parcel, tract or area of land, it may be
 single parcel separately described in a deed or plat which is recorded in
 the Office of the County Recorder; it may be a part of a single parcel
 described in a deed or plat which is recorded in the office of the County
 Recorder, provided the part to be used is adequate in size to meet all yard
 requirements of the Zoning Ordinance; or it may include parts of a combina-
 tion of such parcels when adjacent to one another and used as one. In
 determining lot area and boundary lines, no part thereof within the limits
 of the street or any private access serving more than one main building
 shall be included.

1 (MM) Lot, Corner - A lot at the junction of and abutting
 2 two or more intersecting streets.

3 (NN) Lot, Front - That part of a lot adjacent to and paral-
 4 lel with the street. The front of a corner lot shall be considered as that
 5 part of the lot having the least amount of footage adjacent to and parallel
 6 with either one of the streets. Whenever such footage is the same on both
 7 of such streets, either part of the corner lot may be considered as the
 8 front of the lot.

9 (OO) Lot, Trough - A lot having frontage on two parallel
 10 or approximately parallel streets.

11 (PP) Lot Width - The dimension of a lot, measured between
 12 side lot lines on the building line.

13 (QQ) Mobile Home, Dependent - A mobile home which requires
 14 service connection for sewer, water and power facilities and which is so
 15 designed or constructed to permit occupancy for dwelling or sleeping
 16 purposes.

17 (RR) Mobile Home, Independent - One which does not require
 18 service connections for sewer, water or power and is so designed or con-
 19 structed as to permit occupancy for dwelling or sleeping purposes.

20 (SS) Mobile Home Park - Any tract of ground designed for
 21 use or used by one or more mobile homes which provides the necessary ser-
 22 vices such as water, sewer and power connections for the dependent-type
 23 mobile homes as defined in this ordinance.

24 (TT) Parking Area, Public - An open area, other than a
 25 street or alley designed for use or used for the temporary parking of more
 26 than four motor vehicles when available for public use, whether free or for
 27 compensation, or as an accommodation for clients or customers.

28 (UU) Parking Space (Off-Street, One) - A space other than
 29 on a street or alley designed for use or used for the temporary parking of a
 30 motor vehicle, and being not less than 9 feet wide and 20 feet long exclu-
 31 sive of passageways.

32 (VV) Person - A corporation, firm, partnership, associa-
 tion, organization or any other group acting as a unit, as well as a natural
 person.

(WW) Private School - Private preprimary, primary, grade,
 high or preparation school or academy.

(XX) Sign - Any board, device or structure or part thereof
 used for advertising, display or publicity purposes. Signs placed or
 erected by governmental agencies for the purposes of showing street names or
 traffic directions or regulations for other governmental purposes shall not
 be included herein.

(YY) Story - That portion of a building included between
 the surface of any floor and the surface of the floor next above, or if
 there is no floor above it, then the space between any floor and the ceiling
 next above it; also any portion of a building used for human occupancy
 between the topmost floor and the roof. A basement shall not be counted as
 a story unless the height of the surface of the first floor above the aver-
 age elevation of the finished lot grade at the front of the building exceeds
 four (4) feet.

(ZZ) Story, Half - A story under a gable, hop or gambrel
 roof, the wall plates of which on at least two (2) opposite exterior walls
 are not more than two (2) feet above the floor of such story.

1 (AAA) Street - A public way established or dedicated by duly
2 recorded plat, deed, grant, governmental authority or by operation of law.

3 (BBB) Structure - Anything constructed or erected which
4 requires location in or on the ground or attachment to something having a
5 location in or on the ground.

6 (CCC) Territorial Jurisdiction - The City of Fort Wayne,
7 Indiana, and the contiguous unincorporated areas outside of the City of Fort
8 Wayne shown on a map on file in the office of the County Recorder of Allen
9 County, Indiana.

10 (DDD) Tourist Home - A building in which one but not more
11 than five (5) guest rooms are used to provide or offer overnight accommoda-
12 tions for transient guests.

13 (EEE) Trade or Business School - Secretarial or Business
14 School or College when not publicly owned or not owned or conducted by or
15 under the sponsorship of a religious, charitable or non-profit organization;
16 or a school conducted as a commercial enterprise for teaching instrumental
17 music, dancing, barbering or hair dressing, drafting or for teaching indus-
18 trial or technical skills.

19 (FFF) Trailer Park - Any tract of ground designed for use or
20 used by one or more trailers of the independent mobile home type defined in
21 this ordinance and which is used for dwelling or sleeping purposes regard-
22 less of whether a charge is made for such accommodation.

23 (GGG) Use - The employment or occupation of a building,
24 structure or land for a person's service, benefit or enjoyment.

25 (HHH) Use, Nonconforming - An existing use of land or build-
26 ing which fails to comply with the requirements set forth in this chapter
27 applicable to the district in which such use is located.

28 (III) Use, Open - The use of a lot without a building or
29 including a building incidental to the open use with a ground floor area
30 equal to five (5) percent or less of the area of the lot.

31 (JJJ) Yard - A space on the same lot with a main building,
32 open, unoccupied and unobstructed by structures, except as otherwise
provided in this chapter.

(KKK) Yard, Front - A yard extending across the full width
of the lot, the depth of which is the least distance between the street
right-of-way line and the building line.

(LLL) Yard, Rear - A yard extending across the full width of
the lot between the rear of the main building and the rear lot line the
depth of which is the least distance between the rear lot line and the rear
of such main building.

(MMM) Yard, Side - A yard between the main building and the
side lot line, extending from the front yard or front lot line where no
front yard is required, to the rear yard. The width of the required side
yard is measured horizontally, at 90 degrees with the side lot line, from
the nearest point of the side lot line to the nearest part of the main
building.

(NNN) Zoning Enforcement Officer - An official of the Plan
Commission Staff of the City of Fort Wayne, Indiana who issues any and all
required permits and enforces the provisions of this chapter and the plan-
ning and zoning laws of the State of Indiana within the planning jurisdic-
tion of the Fort Wayne Plan Commission.

1 (MM) Lot, Corner - A lot at the junction of and abutting
2 two or more intersecting streets.

3 (NN) Lot, Front - That part of a lot adjacent to and paral-
4 lel with the street. The front of a corner lot shall be considered as that
5 part of the lot having the least amount of footage adjacent to and parallel
6 with either one of the streets. Whenever such footage is the same on both
7 of such streets, either part of the corner lot may be considered as the
8 front of the lot.

9 (OO) Lot, Through - A lot having frontage on two parallel
10 or approximately parallel streets.

11 (PP) Lot Width - The dimension of a lot, measured between
12 side lot lines on the building line.

13 (QQ) Mobile Home, Dependent - A mobile home which requires
14 service connection for sewer, water and power facilities and which is so
15 designed or constructed to permit occupancy for dwelling or sleeping
16 purposes.

17 (RR) Mobile Home, Independent - One which does not require
18 service connections for sewer, water or power and is so designed or con-
19 structed as to permit occupancy for dwelling or sleeping purposes.

20 (SS) Mobile Home Park - Any tract of ground designed for
use or used by one or more mobile homes which provides the necessary ser-
vices such as water, sewer and power connections for the dependent-type
mobile homes as defined in this ordinance.

(TT) Parking Area, Public - An open area, other than a
street or alley designed for use or used for the temporary parking of more
than four motor vehicles when available for public use, whether free or for
compensation, or as an accommodation for clients or customers.

(UU) Parking Space (Off-Street, One) - A space other than
on a street or alley designed for use or used for the temporary parking of a
motor vehicle, and being not less than 9 feet wide and 20 feet long exclu-
sive of passageways.

21 (VV) Person - A corporation, firm, partnership, associa-
22 tion, organization or any other group acting as a unit, as well as a natural
23 person.

24 (WW) Private School - Private preprimary, primary, grade,
25 high or preparation school or academy.

26 (XX) Sign - Any board, device or structure or part thereof
27 used for advertising, display or publicity purposes. Signs placed or
28 erected by governmental agencies for the purposes of showing street names or
29 traffic directions or regulations for other governmental purposes shall not
30 be included herein.

31 (YY) Story - That portion of a building included between
32 the surface of any floor and the surface of the floor next above, or if
there is no floor above it, then the space between any floor and the ceiling
next above it; also any portion of a building used for human occupancy
between the topmost floor and the roof. A basement shall not be counted as
a story unless the height of the surface of the first floor above the aver-
age elevation of the finished lot grade at the front of the building exceeds
four (4) feet.

(ZZ) Story, Half - A story under a gable, hop or gambrel
roof, the wall plates of which on at least two (2) opposite exterior walls
are not more than two (2) feet above the floor of such story.

1 Section 33-4. STRUCTURE AND USES AFFECTED BY ZONING. No Struc-
2 ture or land shall hereafter be used and no structure or part thereof shall
3 be erected, moved or altered unless in conformity with the provisions of
4 this chapter.

5 Section 33-5. CONTINUANCE OF NONCONFORMING STRUCTURES OR USES.

6 A. Nonconforming Structures.

7 (1) Maintenance Permitted - A nonconforming struc-
8 ture lawfully existing upon March 1, 1955 may be maintained, except as
9 otherwise provided in this section.

10 (2) Repairs - A non-conforming structure may be
11 repaired or altered provided no structural change shall be made.

12 (3) Additions, Enlargements or Moving.

13 a A structure nonconforming as to use or lot
14 area per dwelling unit shall not be added
15 to or enlarged in any manner unless such
16 structure, including such addition or
17 enlargement, is made to conform to the use
18 and area requirements of the district in
19 which it is located.

20 b A structure nonconforming as to heights or
21 yard requirements shall not be added to or
22 enlarged in any manner unless such addi-
23 tion or enlargement conforms to all the
24 requirements of the district in which it
25 is located.

26 c No nonconforming structure shall be moved
27 in whole or in part to any other location
28 on the lot on which it is located unless
29 every portion of such structure is made to
30 conform to all the requirements of the
31 district in which it is located.

32 B. Nonconforming Uses.

(1) Continuation and Change of Use - Except as
otherwise provided in this chapter:

a A nonconforming use lawfully existing upon
the effective date of this chapter may be
continued.

b A nonconforming use may be changed only to
a use of the same or more restricted
classification.

(2) Expansion Prohibited

a A nonconforming use of a structure de-
signed for a conforming use shall not be
expanded or extended into any other por-
tion of such conforming structure nor
changed except to a conforming use.

b A nonconforming use on a part of a lot
shall not be expanded or extended into any
other portion of such lot.

Section 33-6. AMORTIZATION OF NONCONFORMING USES OR BUILDINGS.

A. Whenever a nonconforming use has been discontinued for
a period of twelve (12) months such use shall not thereafter be re-esta-
blished and use thereafter shall conform to the provisions of this chapter.

B. No building damaged by fire or other causes to the
extent that its restoration will cost more than double its assessed valua-
tion shall be repaired or rebuilt except to conform to the provisions of
this chapter.

C. A nonconforming open use of land lawfully existing
upon March 1, 1955 shall be discontinued on or before March 1, 1960.

D. Any nonconforming billboard or advertising structure
not attached to a building, lawfully existing upon March 1, 1955 shall be
discontinued on or before March 1, 1965.

Section 33-7. NONCONFORMANCE DUE TO RE-CLASSIFICATION. The provisions of Sections 5 and 6 shall also apply to structures and uses which hereafter become nonconforming due to any zoning reclassification or inclusion pursuant to this chapter or any change in the provisions in this chapter and any open use of land referred to in subsection (c) of Section 6 which has existed as a nonconforming open use of land under Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance 2836 adopted January 11, 1955, shall be discontinued when said land has existed as a nonconforming open use for a period of five (5) years; or has been a nonconforming open use of land under this Act as amended plus any nonconforming open use of land under this Act as amended plus any nonconforming open use under the zoning laws of Allen County, Indiana for periods of time totaling five (5) years.

Section 33-8. GENERAL USE PROVISIONS.

A. District Classification.

The terms R District, B District or M District shall be deemed to refer respectively to all district designated by the same letter; e.g., B District shall include the B1A, B1B, B2, B2A, B3A, B3B and B4 Districts.

B. Off-Street Parking.

(1) Minimum Requirements: The following off-street parking spaces shall be provided and maintained by the owner of or person using property for each building which is hereafter erected or the use of which is hereafter changed from a use described under any one of the numbered subparagraphs of the lettered subsections of Section 14 of this chapter, to a use described under a different numbered subparagraph of a lettered subsection of Section 14 of this chapter and which new use requires a greater number of parking spaces by the standards hereinafter in this subsection B prescribed:

- a For any dwelling unit - At least one and one half (1½) parking spaces plus one parking space for each two (2) sleeping rooms rented to persons not members of the family occupying the dwelling unit. (G-97-70, 8/25/70)
- h For any auditorium, gymnasium, stadium or theatre, or any other similar place of assembly, except churches - At least one parking space for each six (6) seats based on the maximum seating capacity, including fixed and movable seats.
- c For any hotel in a B3A or B3B District, apartment hotel, club house, dormitory, fraternity house or any other similar use - At least one parking space for each two (2) sleeping rooms.
- d For any hotel in a B4 District or any other similar use - At least one parking space for each sleeping room.
- e For any place of assembly without fixed seats - At least one parking space for each 120 square feet of gross floor area thereof.
- f For any bank, funeral home, office building, professional office, library, museum, welfare institution or any other similar use - At least one parking space for each 400 square feet of gross floor area thereof.
- g For any medical clinic or any other similar use - At least three parking space for each doctor or dentist using the clinic, plus one space for each two regular employees including nurses.
- h For any hospital, sanitarium, sanatorium, convalescent home or any other similar use - At least one parking space for each three beds or any portion thereof.
- (i) For any eating or drinking establishment or any other similar use where customers are seated and served within a building - At least one parking space for each 200 square feet of gross floor area thereof.
- j For any eating or drinking establishment or any other similar use where customers are served outside of a building - At least one parking space for each 50 square feet of gross area thereof, provided, however, that there shall be not less than six (6) parking spaces for each such establishment.
- k For any furniture store, household appliance store or mechanical trades display store or any other similar use - At least one parking space for each 1,000 square feet of gross ground floor area thereof plus one space for each 1,500 square feet of the gross area of floors other than the ground floor used for sales, display or show purposes.
- l For any food market establishment or any other similar use, with a gross floor area of less than 2,500 square feet - At least one parking space for each 200 square feet of gross floor area thereof.
- m For any food market establishment or any other similar use, with a gross floor area in excess of 2,500 square feet - At least one parking space for each 75 square feet of gross floor area thereof.

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- n For any retail store or service, except those specified above - At least one parking space for each 400 square feet of gross floor area thereof.
 - o For any manufacturing, processing, wholesaling, storage, or any other industrial use or commercial establishment not specifically set out in this subsection - At least one parking space for each two employees, plus sufficient spaces to park all company-owned or leased motor vehicles, semi-trailers and trailers.
 - p For any Launderette, Laundromat, Self-Service Laundry, Washeteria or any similar use - At least one parking space for each two washing machine or portion thereof.
 - q For any bowling alley - At least four parking spaces for each bowling alley thereof.
 - r For any trailer coach park - At least one parking space on the same parcel of land for each individual house trailer.
 - s For any commercial or business office having a gross floor area in excess of 10,000 square feet and occupied solely by the employees of one person, as defined in this chapter - At least one parking space for each 800 square feet of gross floor area thereof.

(2) Mixes Uses - In the case of mixed uses in the same building or structure, the total requirement for the off-street parking facilities shall be the sum of the requirements of the various uses computed separately on the basis of the items set out in this section and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified in Section 8B (3) hereof.

(3) Collective Parking Facilities - Nothing in this section shall be construed to prevent collective provision for any off-street parking facilities for two or more buildings or uses; provided, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the various individual uses involved computed separately on the basis of the items set out in this section.

(4) Where Provided - All parking spaces provided pursuant to this section shall be on the same lot with the building or use for which such spaces are required, except that the Board, after public hearing, may permit the parking spaces to be on any lot within three hundred feet of the building; provided, that the requirements of subparagraphs (d) and (r) of paragraph (1) of this subsection shall not be waived; provided, however, that if the Board determines, after public hearing, that it is impractical to provide parking spaces on the same lot with the building or use for which such spaces are required, or within three hundred feet thereof, the Board may permit the parking spaces to be on a lot a greater than three hundred feet from such building or use, subject to appropriate conditions imposed by the Board regarding such location, character or other features of the proposed lot for parking spaces as are reasonably required

for the purpose of this chapter; provided, further, that in the area bounded by the Pennsylvania Railroad right-of-way, Webster Street, Superior Street and Lafayette Street, if the Board determines, after public hearing, that any part of the area within three hundred feet of the building to be erected or use to be established is regularly occupied or used by existing structures or uses, or is otherwise unavailable, the Board shall waive all of the requirements of this subsection B as to all parking spaces not provided by reason of such occupancy, use or other unavailability.

(5) Distance Measurements - The distance to any parking space area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking facility is to serve.

(6) Access - All parking facilities provided pursuant to this section, except those required by subparagraphs (a), (g) and (o) of subsection (1) above, shall be directly accessible from a street.

C. Off-Street Loading and Unloading.

On the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained space for vehicles standing, loading, and unloading as follows:

A 12-foot by 35-foot loading space with 14-foot height clearance for every 20,000 square feet or fraction thereof on floor area in excess of 3,000 square feet of floor area used for abovementioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the abovementioned purposes. Provided, however, that in no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this chapter.

D. Parking Area Improvement.

(1) The Board of Public Works of the City of Fort Wayne is hereby authorized and required to prescribe minimum specifications for paving, surfacing, drainage of all land used for off-street parking, whether required by this chapter or otherwise, and all driveways thereto.

(2) All land which is hereafter placed in use for off-street parking and all driveways thereto, and all land which has been put to such use since on or after December 3, 1969, and which is hereafter to be used for off-street parking; shall be paved or surfaced and shall be drained with materials and in a manner which meets the minimum specifications and standards for parking lots adopted December 2, 1969, by the Board of Public Works of the City of Fort Wayne, and any current or future amendments thereto by said Board, provided, however, that nothing contained in this Paragraph D shall be deemed to require the paving of any off-street parking space or driveway thereto for any dwelling unit. Any proposed drainage plan must be approved by the Board of Public Works prior to the issuance of any Driveway Access Permit.

(3) All land which is located within the boundaries of St. Mary's River on the North, Clay Street on the East, Penn Central Railroad on the South, and Fairfield Avenue on the West, in the City of Fort Wayne, Indiana, which has been and/or hereafter is used for off-street parking, and all driveways thereto, must be paved or surfaced and drained as provided in the preceding paragraph.

(4) All land which is hereafter used and has been used continuously for off-street parking and for driveways thereto, on or prior to December 2, 1969, must be surfaced with compacted crushed stone of uniform size and texture of not less than three (3) inches depth and in a manner which prevents such material from eroding, washing or otherwise being deposited on public sidewalks and street right-of-ways. Any continuing violation of this paragraph for a period of ninety (90) days after notice of such violation has been mailed by the Board of Works to the owner of the land as shown on the tax duplicates in the Office of the Assessor of Allen County, Indiana, shall constitute a nuisance in violation of this chapter, shall be unlawful, and such use shall be subject to all penalties provided in this chapter; provided however, that nothing contained in this paragraph shall be deemed to require the paving of any off-street parking space or driveway thereto for any dwelling unit.

(5) All land in or adjoining an R or B District which is hereafter placed in use for off-street parking, except for any dwelling unit, shall be landscaped to aid in controlling the circulation of cars and pedestrians, to identify entrances and exits, and to improve the appearance of such use to maintain property values in the area and the following specific landscaping requirements must be satisfied:

a All open, off-street parking areas shall provide and maintain shade trees of a variety hardy to this region and totaling not less than 1% of the surfaced parking area. The minimum size tree island shall not be less than 70 square feet.

b Screening, consisting of a hedge, wall, or uniformly painted fence to provide a visual separator and physical barrier with maximum height of four feet shall be provided between said off-street parking and all R and B areas. These lots adjacent to a residential district shall provide screening between such land and the R District not less than six (6) feet in height.

c The total landscaped (green) area for any parking lot shall not be less than 10% of the gross area developed. The owner shall be responsible for the perpetual maintenance of the green space.

(6) Set-Backs - All land used for off-street parking in districts for which front yards are required by this chapter shall be located not less than five (5) feet from any property line abutting on a street; provided, however, that nothing contained in this Paragraph D shall be deemed to apply to any off-street parking space or driveway thereto for any single family dwelling unit. All parking lots shall have curbs around perimeters at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, streets, alleys or sidewalks. Curbs are also to be used to facilitate drainage and insure no discharge of water onto abutting properties.

(7) Lighting - Any light used to illuminate land used for off-street parking or driveways thereto shall be installed on private property and maintained so as to reflect the light away from any adjoining R District. It shall also be designed to avoid glare into street right-of-way.

(8) Permit - Any person constructing a parking lot pursuant to the provisions herein after March 1, 1955 shall obtain an improvement location permit. Said permit shall be issued after applicant has submitted evidence that his proposed off-street parking area improvement shall comply with provisions herein.

E. Permanency of Spaces Provided.

Any parking or loading space which was established prior to March 1, 1955 and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this chapter for any such main buildings or structure erected after March 1, 1955, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces which conform to the provisions of this chapter.

10 F. Front and Side Yards in All Residential Districts.
11 No required front yard, and no required side yard
12 adjacent to a street, may be used to satisfy the off-street parking or
loading requirements of this Section 8.

13 G. No trailer, mobile, mobile unit, or other temporary
14 facility, shall be used for school, church or other non-residential use for
a period longer than two (2) years for school use and one (1) year for
15 church use unless the period is extended by variance duly granted by the
Board of Zoning Appeals; provided that in no event shall such temporary
16 facilities be permitted where permanent use for the purpose is not permitted
or authorized; provided further that such temporary facilities used in
17 connection with a construction project may be used in any district where the
use of the completed structure would be permitted as long as the construc-
18 tion is proceeding with reasonable diligence.

19 ARTICLE III. DISTRICTS

20 Section 33-9. ESTABLISHMENT AND DESIGNATION. For the purpose of
this chapter the City is hereby divided and classified into nineteen (19)
21 districts designated as follows:

- 22 Designation, R1, One Family Residence District
Designation, R2, Two Family Residence District
23 Designation, R3, Multiple Family Residence District
Designation, RA, Residence District A
24 Designation, RB, Residence District B
Designation, B1A, Limited Business District
25 Designation, B1B, Limited Business District
Designation, B2, Regional Shopping Center District
26 Designation, B2A, Neighborhood Shopping Center District
Designation, B3A, General Business District A
27 Designation, B3B, General Business District B
Designation B4, Roadside Business District
28 Designation, M1, Light Industrial District
Designation, M2, General Industrial District
29 Designation, M3, Heavy Industrial District
Designation, IA, Interchange Access Center District
30 Designation, MHP, Mobile Home Park
31 Historical District
Flood Plain District

32 The above districts and their respective boundaries are hereby established
as shown by the symbols on the map entitled, "City of Fort Wayne Zoning
Map," dated September 16, 1969, which is on file in the Office of the Plan

1 Commission which map and all explanatory matter thereon by reference is
2 incorporated herein and made a part hereof.

3 Lands which may hereafter be included or re-included in the territorial
4 jurisdiction of the City Plan Commission shall automatically become clas-
sified in the following corresponding City zoning districts when such lands
5 at the time of their inclusion in the jurisdiction of the City Plan Commis-
sion are classified under the zoning laws of the County, as indicated below,
subject to amendment as provided in this chapter:

COUNTY DISTRICT DESIGNATION	CORRESPONDING CITY DISTRICT DESIGNATION
8 A1 Agricultural	RA Residence, District A
A2 Flood Plain	RB Residence, District B
9 A3 Estate	RA Residence, District A
RS1 Suburban Residential	R1 Single Family Residence Dist.
10 RS2 Multiple Family	R3 Multiple Family Residence Dist.
MH Mobile Homes	MHP Mobile Home Parks
11 C1A Professional Services	B1A Limited Business District A
C1 Limited Commercial	B1B Limited Business District B
12 C2 Planned Shopping	B2 Shopping Center District
C3 General Commercial	B3B General Business District B
13 C4 Roadside Commercial	B4 Roadside Business
C5 Commercial Interchange	IA Interchange Access Ctr. District
14 I-1 Light Industrial	M1 Light Industrial District
I-2 General Industrial	M2 General Industrial District
15 I-3 Heavy Industrial	M3 Heavy Industrial District
I-4 Planned Industrial	M2 General Industrial District

16 Section 33-10. BOUNDARIES.

17 Unless otherwise indicated, the district boundary lines are land lines, the
18 center lines of streets, alleys, or railroad rights-of-way or such lines
extended.

19 Where the street layout actually on the ground varies from the layout as
20 shown on the zoning map, such shall be interpreted according to the reason-
able intent of this chapter.

22 ARTICLE IV. DISTRICT REGULATIONS

23 Section 33-11. CONFORMITY WITH CHAPTER REQUIRED. No building or
structure shall hereafter be constructed and no building, structure or land
24 shall hereafter be used except in conformity with the provisions of this
chapter as permitted.

25 Section 33-12. CONTINGENT USES - ALL DISTRICTS. The contingent uses
hereinafter set forth shall be permitted by the Board, after public hearing,
26 in any district where such uses are essential or desirable to the public
convenience or welfare, provided, however, no permit for a contingent use
27 shall be granted if the Board shall find that such use is in conflict with
any plan duly adopted by ordinance of the Common Council. In granting such
28 permit the Board may impose appropriate conditions regarding the location,
character and other features of the proposed building, structure or use as
29 are reasonably required by the purposes of this chapter.

30 A. Such Permitted Contingent Uses are Identified as
31 Follows:

- 32 (1) Airport or Heliport

1 (2) Cemetery
2
3 permitted. (3) Governmental installation not otherwise

4 (4) Hospital, Sanitarium, Sanatorium, Preventitōrium
5 or Asylum not otherwise specified in this chapter.

6 (5) Medical Health Center or Clinic

7 (6) Public Utility facilities such as radio and
8 television transmitter stations and towers; petroleum and natural gas trans-
9 mission lines, pumping stations and facilities, electric substations and
10 telephone exchanges where not otherwise permitted by this chapter; railroad
11 lines; classification yards and terminals; and other similar uses of a
12 public utility or public service nature; including structures and appurten-
13 ances for their enclosure, maintenance and operation.

14 (7) Educational Institution

15 (8) Private School

16 (9) Golf Course

17 (10) A not-for-profit neighborhood educational,
18 recreational or cultural establishment or community association, including
19 but not limited to: a branch YMCA, YWCA, CYO or Boy Scout building
20 provided, however, that the dispensing of alcoholic beverages or any
21 business activity on said premises shall not be permitted; and provided
22 further that no permit shall be issued for such use unless the board shall
23 first find that it will constitute a neighborhood activity center of a
24 nature compatible with the character of the neighborhood in which it is to
25 be located.

26 (11) Public Parking Area, when used as an accessory
27 use to a conforming use and within 300 feet of the main use or structure on
28 the same, adjacent or detached lot, or when used as an accessory use to a
29 nonconforming use lawfully existing on the effective date of this chapter
30 and on the same lot or land contiguous thereto; subject to the regulations
31 of Section 8; provided, however, that in no event shall the public parking
32 area referred to in this subsection be construed as to include a structure
33 as defined in paragraph 54 of Section 3 of this chapter. No permit under
34 this subsection shall be required for parking areas permitted under Section
35 14.

36 (12) Camp Grounds and Trailer Parks as defined in
37 Section 3, in public parks, without action of the Board of Zoning Appeals,
38 but subject to the standards and regulations of the Park Board or other
39 public agency having jurisdiction over the public park.

Section 33-13. SPECIAL USES - SPECIFIED DISTRICTS

40 A. Special uses may be permitted by the Board after
41 public hearing only in the specified districts indicated below. No permit
42 for a special use shall be granted unless the Board shall have first found
43 that the public convenience and welfare will be substantially served and
44 that the proposed use will not be unduly detrimental to the surrounding
45 area. In the exercise of its approval the Board may impose such conditions
46 regarding the location, character and other features of the proposed build-
47 ing or structure or use as it may deem advisable in the furtherance of the
48 purposes of this chapter.

49 B. In RA, RB, B3A, B3B, M1, M2 and M3 Districts, the
50 Board may permit:

51 (1) Penal or correctional institution or sanitarium,
52 hospital or asylum for contagious, mental, drug or liquor addict cases.

53 (2) Fairground

54 (3) Transient amusement enterprise medicine show or
55 circus, the chief activity of which is carried on for gain or profit.

56 (4) Gun Club, Skeet Shoot or Target Range, provided
57 that satisfactory evidence is presented to the Board that adequate precau-
58 tions will be taken to safeguard the public from dangers of firearms used
59 therein.

60 (5) Animal Breeding and Raising for experimental
61 laboratory or fur production purposes, and Animal Kennels, as distinguished
62 from general livestock raising.

63 (6) Sanitary Land Fill

64 (7) Refuse Dump

65 (8) Golf driving range, putting green, or miniature
66 golf course.

67 (9) Gravel, Rock, Stone or Sand Extraction, Crush-
68 ing, Washing and Sorting - subject to the following requirements:

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- a Excavation:
- i Final slopes of sand or gravel shall not be steeper than one foot horizontal or one foot vertical.
 - ii Temporary operating cut slopes of sand and gravel steeper than one foot horizontal to one foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, road, way or alley, as existing or as proposed in the Comprehensive Development Plan than 50 feet where a sight screen is provided or 75 feet in the case where no provision is made for sight screening.
 - iii Explosives shall be used only between sun-up and sun-down except in the case of an emergency.
 - iv Final sloping of quarry or sand and gravel pit excavations shall be accomplished within the time specified in the quarry or sand and gravel pit permit or as extended by the Board of Zoning Appeals.
- b Drainage of Premises:
- The finished excavation shall be graded where possible in such a manner as to prevent the stagnation of storm waters or natural seepage.
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- c Refilling, Erosion Control and Screen
- Planting:
- (i) Dikes or other barriers and drainage structures shall be provided to prevent silting of natural drainage channels or storm drains in the area surrounding the quarry or sand and gravel pit.
 - (ii) All final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation or a density that will prevent erosion.
 - (iii) Where required, suitable plant material shall be placed and maintained to screen out slopes from public view.
 - (iv) Whenever quarrying or sand and gravel pit operations on any property have been completely exhausted, all buildings, structures or equipment not authorized under the permitted uses for the district in which the property is located, shall be entirely removed from such property within one year after such completion.
- (d) Maintenance and Operation:
- (i) Quarries and sand and gravel pits shall be maintained at all times in a neat and orderly manner.
 - (ii) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum and access roads shall be maintained as dust-free surfaces from the public street to within one hundred feet of the loading point within the quarry or sand and gravel pit.
 - (iii) Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.
 - (iv) Quarry or sand and gravel pit excavations which may penetrate near or into a usable water bearing stratum

shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution by operations or the excavation of a sand and gravel pit or subsequent to the abandonment of stone quarry or sand and gravel pit.

e Continuance of Existing Quarry or Sand and Gravel Pit.

A quarry or sand and gravel pit operation lawfully existing upon the effective date of this amendment to this chapter may be continued so long as such continued use complies with the requirements of Subsections (a), (b), (c) and (d) of Section 1 of this amendment to this chapter.

C. In B4, M1 and M2 Districts, the Board may permit:

- (1) Custom butchering, meat cutting and canning.
- (2) Livestock sales or auction, stock pens, except that such use shall not be permitted within 300 feet of an R District.
- (3) Trailer Park, as defined in Section 3, provided that the following standards are met:

- a No trailer park shall be located except with direct access to a primary, secondary street, major highway or expressway as shown on the Thoroughfare Plan for the City of Fort Wayne. In no event shall access to a trailer park be gained through a residential area or utilizing a residential type street. Also, the trailer park property shall have adequate frontage along the access road to provide for proper and safe ingress and egress to the trailer park area, considering the fact that an auto pulling a trailer is much longer and would require more maneuvering space than would normal automobile traffic.
- b All sanitary sewage facilities, including connections provided for trailer space occupancy, shall meet the minimum standards of the City of Fort Wayne Board of Health, Allen County Board of Health, or the State of Indiana Board of Public Health depending upon the agency having jurisdiction. In the event there is a duplication of any laws of any of these agencies, the agency with the most restrictive requirements shall prevail.
- c No trailer space in a trailer park shall be smaller than 30 feet in width and shall contain a minimum of 1,500 square feet of area for each trailer, exclusive of any street and/or driveway areas.

D. In considering a petition for any permitted Special Use, the Board shall give due regard to the following factors as they will apply to the particular situation:

(1) The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

(2) The nature, location, size, and site layout of the use so that it will be harmonious to the district in which it is situated.

E. (1) All special uses which existed March 1, 1953 and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for Special Uses.

(2) All special uses hereafter authorized by the Board in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for Special Uses.

F. In R3 Districts the Board may permit a branch bank, branch post office, currency exchange, branch library, loan office, professional or commercial office, public utility customer office, real estate office, studio or savings and loan association.

G. In R1, R2, R3, RA and RB Districts the Board may permit insurance and similar offices which satisfy all the requirements for "Home Occupation," as such term is defined in this chapter, for a period not to exceed one (1) year from the date of the special use Improvement Location Permit issued by authority of the Board. The Special Use Improvement Location Permit may be reissued on each subsequent annual expiration date for an additional year if the Board finds that the public convenience and welfare will be substantially served and that the proposed renewal will not be unduly detrimental to the surrounding area. A public hearing will not be required for renewal permits.

Section 33-14. PERMITTED USES - SPECIFIED DISTRICTS. The following uses shall be permitted in the district hereinafter specified:

A. "R1" District - One Family Residence

- (1) One Family Dwelling
- (2) Public Park or Recreation Area
- (3) Church, Public or Parochial Primary or Secondary School, including attached or free standing announcement or bulletin board, not exceeding 24 square feet in area.
- (4) Home Occupation
- (5) Limited Group Home, if its location is first approved by the Board following a public hearing.

- (6) Day Nursery, if its location is first approved by the Board following a public hearing.

- (7) Accessory Building and Use.

- (8) Name Plate or Sign - One per dwelling unit not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

B. "R2" District - Two Family Residence

- (1) All Uses Permitted in the "R1" District, plus:
- (2) Two Family Dwelling
- (3) Day Nursery

- (4) Limited Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions 26, 30, and 36 shall be located in any block group and that no more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be continuous. Certificate of Occupancy required in all cases.

- (5) Extended Group Homes, if its location is first approved by the Board following a public hearing.

- (6) Half-Way House, if its location is first approved by the Board following a public hearing.

- (7) Accessory Building and Use.

C. "R3" District - Multiple Family Residence

- (1) All uses permitted in the "R2" District, plus:
- (2) Multiple Family Residence
- (3) Apartment Hotel
- (4) Day Nursery, Tourist Home, Lodging Home
- (5) Nursing Home or Rest Home
- (6) Non-Profit Private Club
- (7) Mortuary

- (8) Extended Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions 26, 30 and 36 shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

- (9) Half-Way House, provided that not more than two group homes or half-way houses in any combination as outlined by definitions 26, 30 and 36 shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

- (10) Office or Studio - if its location is first approved by the Board following a public hearing.

- (11) Accessory Building and Use

D. "RA" District and "RB" District - Residence (G-97-70, 8/25/70)

- (1) Dwelling
- (2) Public Park and Recreation Area
- (3) Church, Public or Parochial Primary or Secondary School, including attached or free standing bulletin board not exceeding 24 square feet in area.
- (4) Agriculture, Nursery or Truck Garden (Open or Under Glass)

- 11 (5) Home Occupation
- 12 (6) Tourist Home or Lodging Home, if its location is
- 13 first approved by the Board of Zoning Appeals following a public hearing.
- 14 (7) Day Nursery, Nursing Home or Rest Home, if its
- 15 location is first approved by the Board following a public hearing.
- 16 (8) Accessory Building and Use, including roadside
- 17 stands for the retail sale of commodities produced on the premises only.
- 18 (9) Name Plate or Sign, one per dwelling not exceed-
- 19 ing 1 square foot in area; unlighted signs not exceeding 12 square feet in
- 20 area pertaining to the sale or rental of property on which it is located.
- 21 (10) If the Commission shall find that substantial
- 22 property rights in the area surrounding the tract may be directly affected
- 23 by the development, a public hearing shall be held by the Commission before
- 24 it approves a preliminary development plan; otherwise, a public hearing
- 25 shall not be required. Notice of any such public hearing shall be the same
- 26 notice as is required under the laws of the State of Indiana for the adop-
- 27 tion of a Master Plan or amendments thereto under the Planning Acts of the
- 28 State of Indiana.
- 29 a The development plan shall meet the loca-
- 30 tion criteria:
- 31 (i) The location and size of the devel-
- 32 opment would be compatible with the
- surrounding area and would not
- conflict with any components of the
- Master Plan of the City of Fort
- Wayne.
- (ii) The location of the development
- would provide direct access to a
- secondary or primary street or
- sufficient right-of-way and improve-
- ment width, or a residential street
- that meets the minimum requirements
- of both right-of-way and improvement
- of a secondary street unless waived
- by the Plan Commission.
- (iii) Written approval is received from
- the agency having jurisdiction that
- the development would not impose
- hardships on the following facili-
- ties:
- (a) Water
- (b) Sewer
- (c) Streets
- (d) Schools
- (e) Parks & Playgrounds
- (f) Fire Protection
- (g) Storm Water Drainage
- (iv) The Commission shall determine which
- street shall be dedicated and which
- passageways are to be private
- streets or parking lots.
- (v) If the Commission is of the opinion
- that the location of the multiple
- family or multiple group development
- would conflict with the Master Plan
- for the City of Fort Wayne or would
- be detrimental to the growth of
- existing uses in the surrounding
- area, the Commission may disapprove
- said multiple development proposal,
- providing, however, such approval by
- the Commission will not be unreason-
- ably withheld.
- b The preliminary development plan shall
- meet the following standards and include
- the following information and supporting
- data:
- (i) No less than 2,500 square feet of
- land is devoted to any efficiency,
- one or two bedroom living unit. In
- determining density no part of any
- existing street right-of-way or
- proposed right-of-way as shown in
- the Thoroughfare Plan shall be
- included.
- (ii) Living units having three (3) or
- more bedrooms shall have a minimum
- 4,000 square feet of land per unit.
- In determining density no part of
- any existing street right-of-way or
- proposed right-of-way as shown in
- the Thoroughfare Plan shall be
- included.
- (iii) The minimum off-street parking
- requirement shall be one and one-
- half (1½) spaces per unit and must
- be in an acceptable location to the
- building served. All parking spaces
- on public or private streets shall
- be parallel to the street.

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- (iv) All dedicated streets shall conform to the minimum requirements of the Subdivision Control Ordinance of the City of Fort Wayne and provide alignment with existing dedicated streets.
- (v) The maximum building coverage does not exceed thirty (30) percent of the tract, exclusive of streets.
- (vi) Recreation or laundry facilities be located in a manner that would serve only the proposed multiple family complex. The use of these facilities by persons living outside this complex would be a violation of this ordinance.
- (vii) In a multiple family or multiple group development, no building shall be closer than twenty-five (25) feet to an adjacent property line in the case of a one-story building nor closer than thirty (30) feet in the case of a two-story building. The Plan Commission may waive front, side or rear yard requirements if such waiver would compliment the plan.
- (viii) Date, Scale 1"=50', North Point Name of Designer or Engineer and name and address of developer of tract.
- (ix) Accurate boundaries of proposed development and accurate location of abutting streets and structures.
- (x) Location, size, use and capacity of all structures existing or to be placed on the tract.
- (xi) Proposed point of ingress and egress for the planned development with proposed parking areas.
- (xii) Existing and proposed rights-of-way of existing or proposed streets, road and highways.
- (xiii) Proposed site screening and landscaping of development. A minimum of forty (40) percent of all open space, exclusive of streets, shall be devoted to landscaping, unless waived by the Commission.
- (xiv) Proposals for sewers, water, gas, electricity and storm drainage and the necessary easements for these utilities.

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- (xv) Proposals for control of storm water runoff.
- (xvi) A fifty dollar (\$50) application fee must be paid to City Controller for the processing of this development plan.
- (xvii) The Commission shall determine the location and type of all additional sidewalks.
- c If the Commission approves the preliminary development plan, the final development plan shall be submitted to the Commission twenty-one (21) days prior to their next scheduled meeting and include the original tracing, five (5) prints and the following additional information and supporting data:
 - (i) Five (5) sets of improvement plans to be distributed to the Street Engineer, Water Engineer and Sewer Engineer and drawn in compliance with the Fort Wayne Board of Public Works Specifications.
 - (ii) Existing contours at two (2) foot intervals with spot elevations of finished grade and directions of storm water runoff.

- (iii) To dedicate the streets and easements within this development plan, the following should be added:
- (a) Name of Plat
 - (b) Street name assigned to streets to be dedicated and defining of streets or drives to remain private.
 - (c) Certification by land surveyor registered by the State of Indiana.
 - (d) Lot lines and dimensions.
 - (e) Execution and notary by owners of land.
 - (f) Instrument of approval for signatures of governing bodies.
 - (g) Private restrictive covenants.
 - (h) Statement dedicating streets and easements to the City of Fort Wayne.

E. "B1" District - Limited Business

The "B1" District classification is further divided into "B1A" District and "B1B" District as follows, both of which are included where reference is made to a "B1" District. All areas designated as "B1" Districts on the Zoning Map shall be subject to the provisions as to "B1B" Districts until the Zoning Map is amended to designate any area as "B1A".

"B1A" District

(1) All uses permitted in an "R3" District or which the Board of Zoning Appeals may permit as special uses in an "R3" District:

- (2) Agriculture
- (3) Public Parking Area
- (4) Taxi Station
- (5) Travel Bureau
- (6) Hat Cleaning and Repair Shop
- (7) Self-Service Laundry or Agency
- (8) Shoe Repair Shop or Shoe Shining
- (9) Tailor
- (10) Phonograph and Record Shop
- (11) Photographic Supply Shop or Studio
- (12) Bakery Goods Store
- (13) Confectionary, Ice Cream, or Candy Store
- (14) Delicatessen
- (15) Fruit or Vegetable Store
- (16) Grocery Store
- (17) Meat Market
- (18) Super Market
- (19) Tea Room
- (20) Beauty Parlor
- (21) Barber Shop
- (22) Cosmetics Store
- (23) Book Store
- (24) Cigar Store
- (25) Drug Store
- (26) Dry Goods Store
- (27) Gift Shop
- (28) Hardware Store
- (29) Garden Equipment Supply Store
- (30) Haberdashery

- 1 (31) Hobby Shop
- 2 (32) Jewelry Store, including Clock or Watch Repair
- 3 (33) Leather Goods or Luggage Store
- 4 (34) Millinery Shop
- 5 (35) Notion Store
- 6 (36) Optician or Optometrist Office
- 7 (37) Paint Store
- 8 (38) Ready-To-Wear Shop
- 9 (39) Retail Florist, including Greenhouse of less
- 10 than 1,000 square feet of ground floor area.
- 11 (40) Shoe Store
- 12 (41) Sporting Goods Store
- 13 (42) Stationery or News Dealer Store
- 14 (43) Toy Shop
- 15 (44) Variety Store
- 16 (45) Accessory Building and Use
- 17 "B1B" District
- 18 (1) All uses permitted in an "B1A" District, plus:
- 19 (2) Service Station
- 20 (3) Tire and Accessory Store
- 21 (4) Automobile Washing Station, with provision for
- 22 off-street parking for sixty (60) or more vehicles.
- 23 Plant.
- 24 (5) Letter press or Offset or Lithographic Printing
- 25 (6) Dressmaking Shop
- 26 (7) Clothes Cleaning Agency, Pressing Establishment
- 27 (8) Costume Rental
- 28 (9) Diaper Service Station
- 29 (10) Electrical Appliance or Radio Store
- 30 (11) Household Appliance Store
- 31 (12) Caterer
- 32 (13) Package Liquor Store
- (14) Restaurant, including Tavern and Bar, but not including a drive-in restaurant.

- 1 (15) Masseur Salon
- 2 (16) Orthopedic or Medical Appliance Store
- 3 (17) Public Bath
- 4 (18) Reducing Salon
- 5 (19) Bird Store or Pet Shop
- 6 (20) Department Store
- 7 (21) Furrier, including cold storage of garments
- 8 (22) Interior Decorating or Furniture Store
- 9 (23) Music Conservatory School or Instrument Store
- 10 (24) Bowling Alley
- 11 (25) Billiard and Pool Hall
- 12 (26) Indoor Theatre
- 13 (27) Hotel, Motel, Private Club or Lodge
- 14 (28) Advertising Sign or Billboard, provided that
- 15 when the same is located within fifty (50) feet of an R District boundary
- 16 line it shall be affixed to or be a part of a building and not extend over
- 17 any street line nor project above the roof line.
- 18 (29) Electrical Substations and Telephone Exchanges
- (30) Accessory Building and Use

19 (31) Animal Hospital or Kennel catering to household
 20 pets, as distinguished from agricultural animals, provided all animal runs
 21 are located within an enclosed building, and provided further that all
 noises and odors be confined to the interior of the building or buildings,
 and provided further that same not be operated as to constitute a nuisance
 in the neighborhood.

22 F. "B2" - "B2A", Regional and Neighborhood Shopping
 23 Centers

24 (1) All "B1" uses specifically listed in Section 14E
 for "B2" Centers; all of said uses except "B1B" uses (4) (5) 24 25 and 26
 25 for "B2A" Centers; provided, however, that no taverns, bars or agriculture
 shall be permitted in either a "B2" or a "B2A" Center; subject to compliance
 26 with the following requirements:

27 a The tract involved shall be of an area of
 not less than ten (10) acres for a "B2"
 28 center, and shall not be less than three
 (3) acres nor more than ten (10) acres for
 29 a "B2A" Center, and lie wholly or parti-
 ally within 1,400 feet of a point repre-
 30 sented by a "B2" or "B2A" symbol on the
 Zoning Map.

31 b The owner or owners of such tract of land
 shall have prepared a preliminary develop-
 32 ment plan for the entire such tract.

1 c Such preliminary development plan shall
 2 have received the approval of the Commis-
 sion.

3 (2) Plan Commission Procedure:

4 a An applicant for a Shopping Center Permit
 5 shall apply therefore to the Commission
 upon forms to be prescribed by the Commis-
 6 sion. Such application shall be filed
 with the Land Use Administrator and trans-
 7 mitted by him to the Commission. Such
 application shall be accompanied by a
 8 preliminary development plan for the
 entire tract described in said petition,
 9 together with the supporting data there-
 for.

10 b Upon receipt of such application and
 preliminary development plan, the Commis-
 11 sion shall review the same and set the
 same for public hearing. Notice of the
 12 hearing shall be the same notice as is
 required under the laws of the State of
 13 Indiana for the adoption of a Master Plan
 or Amendments thereto under the planning
 14 acts of the State of Indiana.

15 c The Commission shall consider such objec-
 16 tions and shall review the proposed devel-
 opment plan and the supporting data from
 17 the basis of the requirements of this
 chapter. Thereafter, the Commission shall
 18 take action as follows:

19 (i) If it shall find that such prelimin-
 ary plans meet the requirements of
 20 this chapter, it shall approve the
 same and so notify the applicant.
 21 The applicant shall within 180 days
 submit to the Commission his final
 22 plan which shall be amended,
 approved or disapproved by the
 23 Commission within 60 days of its
 submission.

24 (ii) If it finds that upon said plan
 25 being amended, altered and changed
 as specified by the Commission, it
 26 will meet the requirements of this
 Chapter, it shall so notify the
 27 applicant, and thereupon the appli-
 cant shall prepare and file with the
 28 Commission another preliminary
 development plan and supporting data
 29 incorporating such specified
 changes. Upon the filing of the
 30 amended development plan, complying
 with the required amendments of the
 31 Commission shall approve the same
 and so notify the Zoning Enforcement
 Officer.

1 (iii) If it shall find that such plan does
 2 not comply with the requirements of
 this Chapter, and is not susceptible
 3 of alteration, change or amendment
 to meet such requirements, the Com-
 4 mission will disapprove same.

5 (iv) Within 130 days after approval of
 the preliminary plan, developer
 6 shall file final plan, which shall
 be approved by the Commission within
 60 days after filing.

- (v) If either a preliminary plan or final plan is not approved in 60 days after a written demand by developer to approve or disapprove same, it shall be deemed denied and an appeal lie by writ of certiorari.

(3) Development Plan Requirements:

In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following:

- a The area to be occupied by the buildings in this district shall be twenty-five (25) percent or less of the net area of the land described in the petition. Also, ten (10) percent of the area dedicated to open space shall be set aside for planting of trees, ground cover, shrubs, and other landscaping material, which landscaping plan shall be explained in detail on said final plan.
- b The location of the shopping center shall be on property which has an acceptable relationship to major thoroughfares. The plans for the proposed shopping center must possess a unified and organized arrangement of buildings and service facilities, which shall have a functional relationship to the property comprising the plan development and the uses of the property immediately adjacent to the proposed development. In exercising its jurisdiction, the Plan Commission shall have the authority to restrict the size, height, and relationship of one building to another within the center and architecture and actual design so long as these elements are directly related to the health, safety, welfare and morals of the community.
- c
 - (i) The preliminary plat shall indicate the legal description of land for which the permit is sought.
 - (ii) The general location, general size and estimated classification of land use of buildings and structures.
 - (iii) The general nature of the operations involved in and connected with such shopping center and general layout, including the location, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading, and unloading and the relationship to streets or an artery giving access to said center.
 - (iv) Indication of the present and proposed sewers, water service and storm drainage.
 - (v) Area to be planted, shrubbed or otherwise landscaped.

(4) Issuance of Permit:

The Zoning Enforcement Officer shall issue an improvement location permit for a shopping center as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(5) Construction of Improvement under permit:

Revocation of Permit:

Any person to whom is issued an Improvement Location Permit pursuant to Sub-section (4) above, who fails to commence construction of the shopping center within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- a If after public hearing the Commission finds that no substantial work has been commenced on said shopping center according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after said permit is granted, it shall be revoked by said Commission.
- b If the plan is not completed as required by this Sub-section, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 26A.
- c The Commission may, after investigation, seek to enjoin the operation of said shopping center if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

(6) Permits:

- a Not more than one Improvement Location Permit for each shopping center district

may be issued and outstanding at any one time.

b Amendments to Development Plan:

(i) The holder of a shopping center district Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment or extension of the development plan upon which such permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such shopping center permit, then the Commission shall proceed as in the case of original application for a shopping center Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer, and he shall issue an amended Improvement Location Permit accordingly.

G. "B3A" and "B3B" District - General Business

Districts, plus:
the following:

(1) All Uses Permitted in the "B1A" and "B1B"

(2) Automotive Service, including but not limited to

- a Automobile Repair or Body Shop
- b Automobile Showroom
- c Battery Repair Shop
- d Bicycle Repair Shop
- e Motorcycle Shop
- f Public Garage
- g Trailer or Mobile Home Sales Lot
- h Used Car Sales Lot.

(3) General Retail Service, including but not limited to the following:

- a Antique Shop
- b Art Store or Art Studio
- c Boat Showroom
- d Coin or Philatelic Store
- e House Accessory Display or Sales Store
- f Pawnshop
- g Picture Framing Shop
- h Retail Feed Store
- i Second Hand Store or Rummage Shop
- j Taxidermist

(4) Recreational Enterprise, including but not limited to the following:

- a Dance Hall or Studio
- b Night Club
- c Shooting Gallery
- d Penny Arcade
- e Skating Rink
- f Boxing Club or Gymnasium

(5) Business or Trade School

(6) Motor Bus or Railroad Passenger Station

(7) Repair and Service Establishment, including but not limited to the following:

- a Cabinet or Carpenter Shop
- b Exterminating Shop
- c Glass Cutting or Glazing Shop
- d Laundry or Cleaning Plant
- e Plumbing, Heating, Air Conditioning or Electrical Service Shop
- f Sheet Metal Shop
- g Sign Painting Shop
- h Silver Plating or Repair Shop
- i Upholstery Shop
- j Window Blind Sales or Repair Shop

- 2 k Welding Shop
 3 (8) Rescue or Revival Mission
 4 (9) Accessory Building and Use
 5 H. "B4" District - Roadside Business
 6 tricts, Plus:
 7 (1) All Uses Permitted in the "B3A" and "B3B" Dis-
 8 tricts, Plus:
 9 limited to the following:
 10 a Agricultural Implement Sales or Service
 11 Store
 12 b Archery, Golf and Similar Range
 13 c Auction Hall
 14 d Drive-In Restaurant as defined as follows:
 15 (i) Any eating establishment with more
 16 than twenty-five percent (25%) of
 17 the gross floor area devoted to
 18 kitchen and cold storage space, or
 19 (ii) Any eating establishment the plan
 20 for which evidences space provision
 21 or appurtenances necessary for food
 22 or drink consumption outside the
 23 restaurant building, either on the
 24 premises or on public ways, or
 25 (iii) Any eating establishment where more
 26 than ten percent (10%) of the food
 27 and drink sold is actually carried
 28 out of the restaurant building,
 29 except food and drink packaged for
 30 home consumption.
 31 e Drive-In Theatre
 32 f Fruit and Vegetable Stand
 g Ice Vending Station
 h Pottery or Souvenir Shop
 i Refreshment Stand
 (3) Amusement Enterprise, including but not limited
 to the following:
 a Children's Amusement Park
 b Miniature Golf Course
 c Miniature Railroad
 d Pony Riding Ring
 e Race Track
 f Riding Academy or Stable
 g Skating Rink
 (4) Other Services, including but not limited to the
 following:
 a Animal Hospital or Kennel utilizing
 enclosed or outside animal runs.
 b Bottled Gas Service
 c Camp Ground
 d Wholesale Florist, Greenhouse
 e Light Equipment Rental Service
 f Live Bait Stand
 (5) Accessory Building and Use
 I. "M1" District - Light Industrial
 (1) All Uses Permitted in the "B4" District, Plus:
 (2) Other Commercial Uses, including but not limited
 to the following:

17		a	Bottling Works
18		b	Building Material Sales Yard (excluding concrete mixing)
19		c	Chick Hatchery
20		d	Road or Building Contractor's Equipment Storage Yard
21		e	Sales and Rental of Road or Building Contractor's Equipment
22		f	Public Utility Service Yard
23		g	Electrical Receiving or Transforming
24		h	Draying, Freighting or Trucking Yard or Terminal
25	Station	i	Feed or Grain Storage
26		j	Fuel Yard; including bulk storage of petroleum products for local distribution, as distinguished from a petroleum products terminal for extensive storage and regional distribution purposes.
27		k	Ice Manufacture or Cold Storage
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29		l	Experimental or Testing Laboratory
30		m	Printing Plant, including letterpress or offset or lithographic
31		n	Poultry Dressing
		o	Warehousing, Wholesale Merchandise
1		p	Storage (excluding auto wrecking, junk or scrap materials)
2		q	Wholesale Food Market
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9			(3) Any Use Permitted in an "M2" District, provided that such use including all accessory and incidental uses, does not occupy an area in excess of 15,000 square feet, and provided further, that all smoke, dust, dirt, toxic gases and fumes or noxious odor produced upon the premises, is confined thereto.
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12			(4) Accessory Building and Use
13		J.	"M2" District - General Industrial
14			(1) All Uses Permitted in an "M1" District, provided that no building used for dwelling purposes shall be permitted except within two hundred (200) feet of an abutting "R" District.
15			(2) Fabricating, Manufacturing and Processing Industries, provided the same conform to the following requirements:
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17		a	(Enclosed Buildings) All operations are conducted and all materials and products are stored within enclosed buildings.
18		b	(Minimum Distance) The minimum distance between any boundary line of an "R" District, and,
19			(i) A building or structure is fifty (50) feet;
20			(ii) A parking area used by passenger vehicles is fifteen (15) feet;
21			(iii) A driveway, parking area or loading dock used by trucks, tractors, semi-trailers or trailers is one hundred and fifty (150) feet;
22			(iv) A railroad switching track or spur track is three hundred (300) feet;
23		c	(Smoke) No smoke is emitted of a density greater than No. 1 according to the Ringlemann's Scale, except that smoke of a density not in excess of No. 2 of the Ringlemann's Scale shall be permitted for a period not in excess of six (6) minutes in any hour.
24		d	(Fly Ash) No particles from any flue or smokestack exceeds 0.2 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
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- 1 e (Dust) All walks, driveways and parking
- 2 areas are dustproofed.
- 3 f (Dust) No dust of any kind produced by the
- 4 industrial operations is permitted to
- 5 escape beyond the confines of the building
- 6 in which it is produced
- 7 g (Odor) No noxious odor of any kind is
- 8 permitted to extend beyond the lot lines.
- 9 Tanneries, abattoirs, glue factories, oil
- 10 refineries, soap factories, artificial gas
- 11 manufacture, rubber manufacture, fertili-
- 12 zer manufacture and similar industries
- 13 shall present detailed plans for elimina-
- 14 tion of noxious odors before a permit will
- 15 be granted.
- 16 h (Gases and Fumes) No gases or fumes toxic
- 17 to persons or injurious to property are
- 18 permitted to escape beyond the building in
- 19 which it occurs.
- 20 i (Glare) No glare may be seen from any
- 21 street or any "R" or "B" District.

(3) Accessory Building and Use

K. "M3" District - Heavy Industrial

(1) All Uses Permitted in an "M2" District, except that a building or use providing dwelling units shall not be permitted.

(2) Fabricating, Manufacturing, Processing, Extraction, Heavy Repair and Dismantling Industries, including open land operations provided the same conform to the following requirements:

- 20 a (Smoke) No smoke is emitted of a density
- 21 greater than No. 2 according to the
- 22 Ringlemann's Scale, except that smoke of a
- 23 greater density shall be permitted for a
- 24 period not in excess of six (6) minutes in
- 25 any one hour.
- 26 b (Fly Ash) No particles from any flue or
- 27 smokestack exceeds 0.3 grains per cubic
- 28 foot of flue gas at a stack temperature of
- 29 500° Fahrenheit.
- 30 c (Gases or Fumes) No gases or fumes toxic
- 31 to persons or injurious to property are
- 32 permitted to escape beyond the confines of
- the building in which it occurs.

(3) Ready-Mix Concrete Plant or Asphalt Plant

(4) Accessory Building and Use

L. "IA" District - Interchange Access District

(1) An Interchange Access District is not a predetermined area with fixed boundaries within which certain uses are permitted and all other uses prohibited. It is a center which may be established upon application in each case within any district. Until it is so esta-

blished, no use permitted in any district is prohibited. It may be so established only with reference to the location of an "IA" District Symbol previously established by amendment of the Zoning Maps referred to in Section 9 of this Chapter, but the establishment of such symbol does not establish an Interchange Access District or in any way affect existing zoning districts.

(2) The following are uses which may be permitted in the "IA" District; when such a District has been established in each case as herein provided:

- 6 a Tourist Home; Lodging Home
- 7 b Public Park and Public Information Center
- 8 c Public Parking Area
- 9 d Service Station and Accessory Store; Car
- 10 Wash; Light Automobile Repair, as permit-
- 11 ted under Subsection E(3) (iii).
- 12 e Delicatessen
- 13 f Restaurant, exclusive of curb service and
- 14 consumption on exterior premises.
- 15 g Public Bath
- 16 h Drug Store
- 17 i Hotel or Motel as regulated by Section 14
- 18 All subject to compliance with the following
- requirements:

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(i) The tract involved shall be of an area of not less than three (3) acres nor more than ten (10) acres and lie wholly or partially within three-quarters (3/4) of a mile of a point represented by an "IA" District Symbol shown on the Zoning Map.

(ii) The owner or owners of such tract of land shall have submitted a preliminary development plan for the entire such tract.

(iii) Such preliminary development plan shall have received the approval of the City Plan Commission.

(3) Plan Commission Procedure:

a An applicant for an interchange access district permit shall apply therefore to the Commission upon forms to be prescribed by the Commission. Such application shall be filed with the Plan Commission. Such application shall be accompanied by a preliminary development plan for the entire tract, described in said petition, together with supporting data therefore.

b Upon receipt of such application and preliminary development plan, the Commission shall review the same and set the same for public hearing. Notice of the hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or amendments thereto under the Planning Acts of the State of Indiana.

c The Commission shall consider such objections and shall review the proposed development plan and supporting data on the basis of the requirements of this Chapter. Thereafter, the Commission shall take action as follows:

(i) If it shall find that such preliminary plan meets the requirements of this Chapter, it shall approve the same and so notify the applicant. The applicant shall, within one hundred eighty (180) days, submit to the Commission his final plan which shall be amended, approved, or disapproved by the Commission within sixty (60) days of its submission.

(ii) If it finds that upon said plan being amended, altered, or changed as specified by the Commission, it will meet the requirements of this Chapter, it shall so notify the applicant and thereupon the applicant shall prepare and file with the Commission another preliminary plan and its supporting data incorporating such specified changes. Upon the filing of the amended development plan complying with the required amendments of the Commission, the Commission shall approve the same and so notify the Zoning Enforcement Officer.

(iii) If it shall find that such plan does not comply with the requirements of this Chapter and is not susceptible of alteration, change, or amendment to meet such requirements, the Commission shall disapprove same.

(iv) Within one hundred eighty (180) days after approval of the preliminary plan, the developer shall file a final plan which shall be reviewed by the Plan Commission within sixty (60) days after filing.

(v) If either a preliminary or final is not approved in sixty (60) days after the written demand by developer to approve or disapprove same, it shall be deemed denied and an appeal lie by writ of certiorari.

(4) Development Plan Requirements:

In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following:

- a The area to be occupied by the buildings in this district shall be twenty-five percent (25%) or less of the net area of land described in the petition. Also, a minimum of ten percent (10%) of the area dedicated to open space, exclusive of parking, shall be set aside for planting of trees, ground cover, shrubs, and other landscaping material, which landscaping plan shall be explained in detail on said final plan. Also, the landscaping shall be completed in proportion to the square footage of buildings under roof as related to the total project area.
- b The location of the Interchange Access District shall be on property which has an acceptable relationship to major streets, highway,s and thoroughfares which will serve the area. The plans for the proposed Interchange Access District must possess a unified and organized arrangement of buildings and service facilities which shall have a functional relationship to the property comprising the planned development and the uses of the property adjacent to the proposed development. In exercising its jurisdiction, the Plan Commission shall have the authority to restrict the size, height, and relationship of one building to another within the area involved, and architecture and actual design so long as these elements are directly related to the health, safety, convenience, welfare and morals of the community.
- c
 - (i) The preliminary plan shall indicate the legal description of the land for which the permit is sought.
 - (ii) The general location, general size and classification of land use of buildings and structures.
 - (iii) The general nature of the operations involved in and connected with such Interchange Access District and general layout, including the location, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading and unloading, and the relationship to streets or an artery giving access to said district.
 - (iv) Indication of the present and proposed sewers, water service, storm drainage.

- (v) Area to be planted, shrubbed or otherwise landscaped.

- d In reviewing said plan for an Interchange Access District, the Plan Commission shall have the right to require such design standards as service roads, setbacks, dedication of public right-of-way for street and highway purposes, and other design factors related to vehicular access so long as said conditions are directly related to the health, safety, convenience, welfare and morals of the general public.
- e The Plan Commission shall have the authority to permit an Interchange Access District for areas less than three (3) acres providing the developer can show that due to natural physical characteristics or barriers, it is impossible to assemble more than the three (3) acres as required by previous section of this ordinance.

(5) Issuance of Permits:

The Zoning Enforcement Officer shall issue an improvement location permit for a use contained within an interchange district as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Commission. No certificate of occupancy permit shall be issued by the Zoning Enforcement Officer until all buildings, landscaping, parking lots, driveways, sidewalks, etc., are installed in accordance with the approved plan.

(6) Construction of Improvement Under Permit:

Revocation of Permit:

Any person to whom is issued an Improvement Location Permit pursuant to Paragraph (3), Subsection "L," Section 14, who fails to commence construction of the Interchange Access District development within twenty-four (24) months after such permit is issued, or who fails to carry to completion thirty (30) percent of the total buildings and landscaping as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- 25 a If after public hearing and proper notice
 26 thereof the Commission finds that no
 27 substantial work has been commenced on
 28 said Interchange Access District according
 29 to the development plan as finally
 30 approved by the Commission as called for
 31 in the Improvement Location Permit within
 32 three (3) years after said permit is
 granted, it shall be revoked by said
 Commission.
- b If the plan is not completed as required
 by this Subsection failure to complete
 said plan shall be considered a breach of
 the zoning laws and subject to the penalty
 called for in Section 25A of this Chapter.

- 1 c The Zoning Enforcement Officer may, after
 2 investigation, seek to enjoin the opera-
 3 tion of said Interchange Access District
 4 if a substantial compliance with said plan
 has not been achieved in the time limit as
 herein set forth.

(7) Permits:

- a Not more than one Improvement Location
 Permit for each Interchange Access Dis-
 trict may be issued and outstanding at any
 one time.
- b Amendments to Development Plan:
- (i) The holder of an Interchange Access
 District Improvement Location Permit
 may apply to the Commission at any
 time for an alteration, change,
 amendment or extension of the
 development plan upon which such
 permit is based.
- (ii) If an application shows that addi-
 tional land is to be improved or
 used in connection with such Inter-
 change Access District Permit then
 the Commission shall proceed as in
 the case of original application for
 an Interchange Access District
 Improvement Location Permit.
- (iii) If no additional land is embraced in
 the application for alteration,
 change, amendment or extension, then
 the Commission shall be empowered to
 pass on such matters without
 requiring a public hearing thereon.
- (iv) In the event the Commission shall
 approve and order such development
 plan changed, altered, amended or
 extended, it shall so notify the
 Zoning Enforcement Officer and he
 shall issue an amended Improvement
 Location Permit accordingly.

M. "MHP" District - Mobile Home Park District

- (1) Mobile Home Park Districts may be established by
 the Common Council on the initiative of the Plan Commission in accordance
 with a comprehensive plan for the entire area within its jurisdiction, after
 public hearing, within or including any other zoning district under this
 Chapter. Such Mobile Home Park Districts shall remain subject to the
 restrictions of such other districts except as to any part actually occupied
 by a Mobile Home Park after application and approval as herein provided.
 Until such districts have been so established initially on the initiative of
 the Plan Commission, no petitions for such zoning or applications for
 approval of Mobile Home Parks shall be received.

- (2) The additional permitted use in a Mobile Home
 Park District is Mobile Home Parks as defined in Section 3, and subject to
 the procedure and approval as herein provided.

- 1 (3) After Mobile Home Park Districts have been esta-
 2 blished, applications for approval of development plans for a Mobile Home
 3 Park may be filed with the Plan Commission, and its procedure thereon shall
 be as provided for Interchange Access Districts under Section 14L (3) of
 this Chapter as added by General Ordinance No. G-21-65.

(4) Development Plan Requirements:

- 1 In determining its approval or disapproval of a
 2 proposed development plan and supporting data, the Commission shall be
 3 governed by the following:
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- a The minimum area shall be eight (8) acres.
- b The owner-developer shall submit a development plan showing the name of the mobile home park; its location by township, section, or other legal description; the name and address of the developer; scale; date; north arrow; location, widths and names of all existing streets or public ways, railroads rights-of-way, utility easements, parks and other public open spaces, existing buildings, and structures within and adjacent to the tract; adjoining boundary lines of all adjacent land uses describing the land use or some other means of identification; the layout of proposed streets, driveways, alleys, and crosswalks within the proposed mobile home park; the layout of the proposed lots, their numbers and dimensions; the location of parcels of land intended for public use; the mobile home limit lines within each of the lots; contours, both existing and proposed, at intervals of not more than five (5) feet; location and type of all utility easements on the site or immediately adjacent to it; such other data as the Commission may by rule require.
- c All lots within the park shall be a minimum of forty (40) feet wide measured along a perpendicular to the side lot line, in the case of an irregular shaped lot the average lot width shall be at least forty (40) feet; minimum lot area shall be 3,000 square feet exclusive of the roadway drives and other open public spaces, but may include offstreet parking spaces; minimum side yard of six (6) feet and minimum rear yard of eight (8) feet; in no case shall a mobile home be located nearer than fifteen (15) feet from the nearest boundary line of the mobile home park; in no instance shall a mobile home be located nearer than six (6) feet from the edge of the street improvements.
- d Minimum street or driveway improvements within the mobile home park where off-street parking is provided - 30 feet; where no off-street parking is provided - 36 feet.
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- e Streets shall be surfaced and improved to the standards and specifications of the Fort Wayne Board of Public Works.
- f At the time of application, a typical cross-section of any and all streets in the area must be submitted to the Board of Public Works for their approval.
- g Parking - Parking spaces shall be provided at the rate of two (2) parking spaces per lot.
- h Sidewalks, thirty (30) inches in minimum width, shall be provided and shall be so designed to meet the standards of the Fort Wayne Board of Public Works.
- i Street lighting shall be provided in accordance with the standards of the Fort Wayne Board of Public Works and the light value on all occupied streets shall be a minimum of 1/10th foot candle.
- j Screening - Screening of a type and design at the discretion of the Plan Commission shall be provided where any mobile home court is bounded by a public street, highway, or developed residential area.
- k Recreation area sufficient in size and activity shall be provided in each mobile home court. The size of the activity shall be at the discretion of the Plan Commission at the time of approval.
- l All sewer and water service shall be installed by the developer and shall conform to the minimum standards of the Fort Wayne Board of Public Works and the Health Department having jurisdiction.
- m The developer shall provide the Plan Commission with a statement from the school authorities having jurisdiction in the location of the proposed Mobile Home Park that the increased school enrollment, as a result of this mobile home park, will not cause undue hardship on the school required to serve the area involved.
- n All driveways, access roads, streets and lanes within the mobile home park shall be identified by some means so as to avoid confusion on the part of police and emergency equipment when called to a particular location within the mobile home park.
- o In the event the developer proposes to establish driveways or streets within the mobile home park as a public street, the design shall meet the minimum standards as prescribed by the Subdivision Control Ordinance of the City of Fort Wayne.

p At the time of approval, the developer shall show evidence that all common areas, open spaces, driveways, sidewalks, recreational facilities, and spaces other than the actual trailer lots shall be maintained. This evidence can be in the form of assessment against the lots, a restrictive covenant enforceable by the city or other suitable means of assurance that all public properties will be maintained with the mobile home park.

q The developer shall provide a storage building on each trailer lot consisting of at least 50 square feet of enclosed floor space.

(5) As to Issuance of Permits, Construction of Improvements under Permits, Revocation of Permits and Amendments to Development Plan, the provisions for Interchange Access Districts under Section 14L (5), (6) and (7) of this Chapter as added by General Ordinance No. G-21-65 shall be applicable.

N. Planned Unit Development. (G-100-70, 10/27/70)

(1) Intent. Ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers can produce Planned Unit Developments which are in keeping with overall land use intensity and open space objective of the Master Plan while departing from the strict application of use, setback, height and minimum lot size requirements of several zones. The intent of this section is to permit such flexibility and provide performance criteria for Planned Unit Development which; permit a creative approach to the development of residential land; accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the zoning code and subdivision code; provide for an efficient use of land, resulting in smaller networks of utilities and streets and thereby lower housing costs; enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities where feasible and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements; provide an opportunity for new approaches to living environment; and provide an environment of stable character compatible with surrounding residential areas.

(2) Voluntary alternate procedure: The use of the Planned Unit Development procedures contained herein is not mandatory for the development of any parcel of ground. The intent and purpose of this process is to provide a voluntary alternate procedure which maximizes the utilization of land primarily for the benefit, use, and enjoyment of the future residents of that area and the existing residents of the City of Fort Wayne and its environs. In a Planned Unit Development open space and common recreational areas and facilities are the environment and livability benefits furnished to the resident and community in lieu of large individual lots.

(3) Permitted Use. Pursuant to Planning Act of 1947, Chapter 174, and subject to the regulations, standards, and conditions set forth herein, Planned Unit Developments shall be permitted in Fort Wayne's planning jurisdiction upon obtaining final development plan approval from the Plan Commission. A special exception certification for a Planned Unit Development or part thereof may be issued only after (1) final subdivision approval thereof by the Plan Commission, and (2) filing the approved plan in the Office of the Recorder of Allen County.

(4) Location. Planned Unit Developments are permitted only in R1, R2, R3, RA, RB, B1A, B1B, B4 and M1 Zoning Districts.

(5) Principles of Planned Unit Development. The Planned Unit Development is a permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an essential and important element of the plan related to effecting the long-term value of the entire development.

(6) Standards and criteria. Subject to the provision set forth herein, Planned Unit Developments are permitted uses on sites consisting of no less than ten (10) contiguous acres unless the Commission and Council permits a lesser acreage because of unusual circumstances.

(7) Uses and Requirements.

a Residential Uses. Permitted land use requirements of the zone within which a Planned Unit Development is located shall apply, with the following exceptions:

(i) Open space reservations may be considered for population density and building intensity increases;

(ii) Permitted types of dwelling units may include single family detached homes, town houses, garden apartments or high-rise apartments;

(iii) Condominium, cooperative individual, municipal or any other type of ownership hereby is permitted.

b Non-residential uses. Non-residential uses, limited to those specifically approved by the Plan Commission are permitted in a Planned Unit Development provided that such uses primarily are for the service and convenience of the residents of the development and further provide that:

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- (i) No store shall exceed 10,000 square feet of gross floor area; and,
- (ii) The total mercantile and office space permitted within a Planned Unit Development shall not exceed forty (40) square feet of gross floor area under roof per dwelling unit in the development, excluding in such computation, buildings used for non-profit educational, recreational or cultural purposes. However, the Commission may exclude mercantile and office space if adequate facilities are proposed or are existing in the area.
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- c Minimum Requirements.
- (i) Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions may be waived for the Planned Unit Development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Plan Commission. The Plan Commission may determine that certain setbacks be required within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.
- (ii) Every dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- (iii) The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or other proposed structures or to the development of the neighborhood.
- d Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. Highrise buildings, if permitted, shall be located within a Planned Unit Development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
- e Off-Street Parking. Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirements of the Rating Chart I of this ordinance. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas may be required through ample use of trees, shrubs, hedges and screening walls.
- f Perimeter Requirements. If topographical or other barriers within two hundred (200) feet of the perimeter of the development
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- do not provide reasonable privacy for existing uses adjacent to the development, the Plan Commission shall impose either of the following requirements, or both:
- (i) Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning ordinance controlling the area within which the development is situated; and,
- (ii) Structures located on the perimeter of the development must be well screened in a manner which is approved by the Commission.

- 8 Interior Streets. The minimum roadway width of two-way streets shall be twenty-seven (27) feet. Such streets shall be paved according to city specifications for residential streets and maintained in good condition and lighted at night. The Plan Commission shall determine streets that must be dedicated so that proper vehicular traffic circulation is achieved between developments. No angle parking shall be permitted on any street.
- h Sidewalks. Sidewalks shall be provided as deemed necessary by the Plan Commission.
- i Swimming Pools. All swimming pools within a Planned Unit Development shall comply with the provisions of Chapter 37 of the Municipal Code.
- (8) Density. Density (Dwelling units per acre) may be increased if the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density increase cause the density of the Planned Unit Development to be more than thirty-three percent (33%) in excess of the density which would be achieved under standard zoning regulations.
- The Plan Commission shall determine the density which may be permitted within the Planned Unit Development by using the land use intensity Rating Chart I as a guide and modified by any increases in density permitted under Paragraph 3 B of this ordinance. Any additional density allowed shall be at the discretion of the Commission.
- a Planned Unit Development in more than one zone. If the Planned Unit Development is in more than one zone, the number of allowable dwelling units must be separately calculated for each portion of the planned development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire Planned Unit Development.
- b Density increases. Density increase shall be governed by the precepts listed below, which are to be treated as additive, and not compounded:

- (i) Open space reservation shall be considered for density increases according to the following provision:
- For improved and unimproved common open space
- (a) The first acre of common open space per 20 acres gross, if improved, permits a maximum increase of eight (8) percent; if first acre of common open space is unimproved, six (6) percent is allowed.
- (b) The second acre of common open space per 20 acres of gross, if improved, permits a maximum increase of four (4) percent; if unimproved, three (3) percent is allowed.
- (c) Each additional acre of common open space per 20 acres of gross, if improved, permits a maximum increase of three (3) percent; if unimproved, two (2) percent is allowed.
- (ii) Character, identify and architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development. The degree of districtiveness and the desirable variation achieved shall govern the amount of density increase which the Plan Commission may approve. Such variations may include, but are not limited to the following:
- (a) Landscaping (a maximum increase of five (5) percent); streetscaping; open spaces and plazas; use of existing landscape; pedestrian way treatment; and recreational areas.
- (b) Siting (a maximum increase of five (5) percent); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern, physical environment; variation in building setbacks; and building groups (such as clustering).

- 1 (c) Design features (a maximum
2 increase of five (5) percent);
3 street sections; architectural
4 styles; harmonious use of
5 materials; parking areas
6 broken by landscape features;
7 and varied use of house types.
- 8 c When density increase is not permitted.
9 If the Plan Commission finds that any of
10 the following conditions would be created
11 by an increase in density permitted in
12 subsection paragraph 8B, it may either
13 deny any application for increase in
14 density, or, limit the increase in density
15 by an amount sufficient to avoid the
16 creation of any of the following condi-
17 tions:
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19 (i) Inconvenient or unsafe access of the
20 development.
21 (ii) Traffic congestion in streets
22 adjoining the development.
23 (iii) An excessive burden imposed on
24 parks, recreational areas, schools,
25 and other public facilities which
26 serve or are proposed to serve the
27 development.
- 28 d Notification of density increase. The
29 developer will be informed at the time of
30 the approval of the Planned Unit Develop-
31 ment, if the Commission should grant
32 additional density.
- (9) Open Spaces. "Common Open Space" is defined as
a parcel or parcels of land or an area of water, or a combination of land
and water, designed and intended for the use and enjoyment of residents of
the Planned Unit Development, or of the general public. Improved common
open spaces may contain accessory structures and improvements necessary or
desirable for religious, educational, non-commercial; recreational areas are
encouraged, such as children's informal play in close proximity to indivi-
dual dwelling units, the concentration of dwelling; formal parks, picnic
areas, playgrounds; and scenic open areas and communal non-commercial
recreational facilities. The Plan Commission shall have sole discretion as
in determining if open space is improved or unimproved space based upon
plans submitted by developer.
- a Conveyance and maintenance of common open
space. All common open space, shown on
the final development plan and recorded in
the office of the Recorder of Allen County
must be conveyed in accordance with one of
the following methods:
- (i) By dedication to the city department
responsible for maintenance of the
parcel as municipally owned and
maintained common open space, pro-
vided the parcel is acceptable to
that city department; or

- (ii) By leasing or conveying title
(including beneficial ownership) to
a corporation, association or other
legal entity. The terms of such
lease or other instrument of convey-
ance must include provision, suit-
able to the Plan Commission for
guaranteeing: (A) the continued use
of such land for the intended pur-
pose; (B) continuity or proper
maintenance for those portions of
the open space land requiring main-
tenance; (C) when appropriate, the
availability of funds required for
such maintenance; (D) adequate
insurance protection; and (E)
recovery for loss sustained by
casualty, condemnation or otherwise.
- In any event, the developer must
file in the office of the City Plan
Commission, at the time the approved
final subdivision plat is filed,
legal documents which will produce
the aforesaid guarantees and, in
particular, will provide a method
for restricting the use of common
open spaces for the designated
purposes.
- b Utility and continuity for common use.
All common open space proposed for dedi-
cation to the City of Fort Wayne must be
acceptable to it with regard to the size,
shape, location and improvement. In
addition, the applicant must show that the
dedication of such areas as common open
space will be of benefit to the general
public of Fort Wayne and its environs.

(10) Improvements.

- a Circulation facilities. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Master Plan, together with provisions for street improvements, shall be in compliance with standards set forth in subsection paragraph 7 E and paragraph 7 G above and in the Subdivision Control Ordinance. Upon application by developer and good cause shown, the Plan Commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.
- b Utilities. Whenever reasonably possible, all Planned Unit Developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construc-

tion of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the Fort Wayne Board of Public Works. A Planned Unit Development application shall not be approved unless adequate assurance is given that public or quasi-public water and sanitary sewer service will be available, except that upon application by the developer and good cause shown. The Plan Commission may modify or waive this requirement provided such action is consistent with the spirit and intent of this section.

- c Pedestrian circulation. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Plan Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

(11) Subdivision review. It is the intent of this ordinance that subdivision review under the Subdivision Control Ordinance be carried out as an integral part of the review of a Planned Unit Development under this section. The plans required under subsection 17 of this ordinance must be submitted in a form which substantially will satisfy requirements of the Subdivision Control Ordinance for the preliminary and final plan approvals. However, if any provisions of this ordinance and the Subdivision Control Ordinance are in conflict, the more restrictive or detailed requirements shall be met, unless specifically waived or altered by the Plan Commission.

It is the intent of this section to permit the submission of final subdivision applications for the whole, a part, or parts of the overall Planned Unit Development.

(12) Procedure. A generalized summary of the steps for consideration and approval of Planned Unit Development and subdivision plans relating thereto is as follows:

- a Pre-application conference or conferences are held with the Director of Planning in order to obtain information and guidance in preparing the Planned Unit Development application.
- b The Planned Unit Development application (conceptual and schematic) with plans and statements is submitted to the Plan Commission and a public hearing is held.
- c If the Planned Unit Development plan is approved, the applicant is authorized to proceed with the preparation of the preliminary subdivision application. If the plan is disapproved then the Commission shall state the reasons for the rejection of the plan.
- d The preliminary subdivision application is filed with the Plan Commission for Commission action.
- e If the preliminary plan is approved, the final subdivision plan is filed with the Plan Commission. The Commission shall approve, modify and approve, or disapprove the application within sixty (60) days after a complete application is filed.

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11 f The applicant is notified of Plan Commission action. Approved subdivision plans shall be recorded as required herein and by the Fort Wayne Subdivision Control Ordinance.

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14 g The applicant shall commence construction on the approved subdivision within six (6) months, and begin construction in one (1) year on the approved Planned Unit Development following recordation of approved plans. Upon failure to do so, the Planned Unit Development and approvals are voidable. Work shall not commence on approved commercial or industrial sites until 50% of the Unit Development is completed and occupied.

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20 (13) Applicant. Planned Unit Development applications shall be filed in the name or names of the recorded owner or owners of property included in the development, as shown in the Allen County records. However, the applications may be filed by holder(s) of an equitable interest in such property. If recorded title is changed for all or any portions of such property prior to issuing final P.U.D. approval, the records of the Plan Commission and related documents shall be amended to reflect such changes before maps and documents are recorded by the Allen County Recorder, as provided herein.

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25 (14) Pre-application conference. To obtain information, each applicant shall confer with the Director of Planning and interested department heads in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit Development application. Thereafter the Director of Planning shall furnish the applicant with his written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Unit Development application. It is not required that any person requesting a pre-application conference be an owner or holder of an equitable interest in the subject property.

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31 (15) Planned Residential Unit Application.

32 a All Planned Unit Development plans shall be submitted to the Plan Commission with

1 an application in the form to be prescribed by it. The Plan Commission shall charge for the processing of the application of the proposed improvements, a fee of One Hundred Dollars (\$100) for each application. This fee shall be in addition to the fee prescribed in the subdivision code.

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6 b Within forty (40) days after a complete Planned Unit Development application has been filed with the Plan Commission, the Commission shall hold a public hearing, which shall be construed as satisfying any requirement for a subdivision hearing.

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10 c The Plan Commission shall approve, modify and approve, or disapprove any such application within forty (40) days after the public hearing. The Planned Unit Development application shall include the following:

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12 (i) A declaration by the developer in which there is furnished:

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14 (a) An evaluation of the proposed Plan Unit Development, together with the factors considered in the evaluation;

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16 (b) A general statement regarding the nature and location of common open space and the means by which the developer will guarantee its continuity and maintenance;

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18 (c) The general location and purpose of all nonresidential structures;

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20 (d) A general statement indicating the proposed types and location of dwelling units, the anticipated population density associated with each type; and

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22 (e) The method by which utilities will be provided.

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24 (ii) Conceptual and schematic plans incorporating the following elements:

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26 (a) Those listed in subsection 8 hereof:

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28 (b) Conceptual plans of the entire site showing:

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30 (1) Existing contours accompanied by outline of grading plans.

- 1 (2) Typical cross-sections.
- 2 (3) Drainage control.
- 3 (4) Conceptual location of all
- 4 main and accessory structures
- 5 accompanied by an outline
- 6 explaining intended heights,
- 7 coverage and treatment of
- 8 yards.
- 9 (5) General outline of motor
- 10 vehicle parking and loading
- 11 provisions.
- 12 (6) General traffic circulation
- 13 features, public and private
- 14 streets, width of right-of-way
- 15 and roadway, location of
- 16 vehicular access points
- 17 thereto.
- 18 (7) Pedestrian circulation fea-
- 19 tures, walks and paved areas.
- 20 (8) Landscaping and forestry
- 21 features.
- 22 (9) General nature and location of
- 23 public and private utilities
- 24 and community facilities and
- 25 services, including main-
- 26 tenance facilities.
- 27 (10) Recreational and other non-
- 28 building areas designated.
- 29 d Common Open Space Information, including:
- 30 (i) Percentage of acreage of common open
- 31 space in each part of the develop-
- 32 ment.
- (ii) General nature of common open space
- use.
- (iii) Topographical factors affecting
- common open space.
- e A schematic plan summarizing:
- (i) Residential densities for each part
- of the development.
- (ii) Maximum square footage of gross
- floor area (under roof) of mercan-
- tile and office space.
- (iii) Acreage of common open space in each
- part of the development.
- f A document describing the proposed phasing
- program for the Planned Unit Development
- for all dwelling units, nondwelling struc-

- 1 tures, recreational and other common
- 2 facilities and open space improvements.
- 3 (16) Approval, notice and authority to proceed.
- 4 a Upon approval of the Planned Unit Devel-
- 5 opment application by the Planning Commis-
- 6 sion the Director of Planning forthwith
- 7 shall:
- 8 (i) Furnish the developer with written
- 9 notice of the approval.
- 10 (ii) Cause the Planned Unit Development
- 11 to be noted on the face of the
- 12 Official Zoning Map of the City of
- 13 Fort Wayne by outlining the bounda-
- 14 ries of land affected thereby.
- 15 (iii) File in the Commission Office a
- 16 certified copy of the Planned Unit
- 17 Development conceptual and schematic
- 18 plan.
- b The land described in the above notice
- shall be used only in accordance with the
- uses and densities shown on the certified
- Planned Unit Development conceptual and
- schematic plan, except as provided in
- subsection 21.
- c When the above procedures have been com-
- pleted, the developer may proceed with the
- preparation of the preliminary subdivision
- application.

- 19 (17) Subdivision Processing.
- 20 a Subdivision Plans. Subdivision plans
- 21 shall be submitted in accordance with the
- 22 Subdivision Control Ordinance to a scale
- 23 of 1 inch = 100 feet. Subdivision plans
- 24 also shall show the following:
- 25 (i) Preliminary
- 26 (a) Pedestrian ways for general
- 27 circulation
- 28 (b) Outside parking areas
- 29 (c) Areas to be kept open for
- 30 community use
- 31 (d) Parcels for subsequent sale
- 32 (if any)
- (e) Streets and easements
- (ii) Final
- (a) Exact engineering data on
- boundaries, streets and ways,
- easements, parcels for sale
- and monuments, in accordance
- with subdivision ordinance.
- (b) Cross reference to recorded
- Planned Unit Development
- schematic plan.
- (iii) Final subdivision plans may be
- submitted for the whole Planned Unit
- Development at one time, or such
- plans may be submitted for a part or
- parts of the Planned Unit Develop-
- ment from time to time.
- h Documents.
- (i) At the time the preliminary subdivi-
- sion application is filed with the
- Plan Commission, the developer also
- shall file:
- (a) Project cost estimates for all
- public improvements in the
- subdivision plan;
- (b) Other statements required by
- the subdivision ordinance.
- (18) Final Approval. Within six (6) months following
- the approval of the preliminary subdivision plan, the applicant shall file
- with the Plan Commission a final subdivision plan containing in final form
- all the information required. Upon written request by the applicant, the
- Plan Commission, upon showing of good cause by the developer, may extend for
- six (6) months the period for filing the final subdivision plan. Within
- sixty (60) days after the complete final subdivision application is filed,
- with all necessary documents and exhibits, the Plan Commission must approve,
- approve and modify, or disapprove it.
- (19) Recording. Upon approval of the final subdivi-
- sion application, the Plan Commission shall notify the applicant and there-
- after the maps and other related documents shall be recorded in the office
- of the Allen County Recorder. If the Plan Commission approves the final
- subdivision application with modifications, the applicant shall cause such
- modifications to be made and then proceed as above.
- (20) Failure to begin Planned Unit Development.
- a If no construction has begun in the Plan-
- ned Unit Development within one (1) year
- from the approval of the Planned Unit
- Development and recording of documents,
- said approval shall lapse and be of no
- further effect. The Plan Commission, upon
- showing a good cause by the developer, may
- extend for periods of one (1) year, the
- time for beginning construction.
- Nothing herein shall be considered as
- affecting such lapse and revocation if the
- developer commences construction. If
- construction commences, the final Planned
- Unit Development approval may be modified
- only in accordance with subsection 21
- hereafter.

- b If the construction of the improvements in any subdivision within a Planned Unit Development has not begun within six (6) months from the date the approved subdivision plan was recorded, said subdivision approval shall lapse and be of no further effect. The Plan Commission, for good cause, may extend for periods of six (6) months the time for beginning construction. Except as provided in subsection A, above, the lapsing of subdivision approval shall not result in the lapsing of a Planned Unit Development approval. Notification by registered mail of such lapse shall be forwarded to the developer.

Improvements are defined as streets, water, sewer and storm drainage.

(21) Revisions of approval final Planned Unit Development. The development shall conform to the approved Planned Unit Development plan and the approved final subdivision plan. The applicant, his successors and assigns shall make no alterations, additions or deletions to the Planned Unit Development plan, the related documents, or to the site, except as provided herein. Upon final approval, changes may be made only pursuant to a new submission of a Planned Unit Development application which shall be processed and approved in accordance with this section. The Plan Commission may authorize minor changes, provided that the overall density is not increased, without a new Planned Unit Development application.

(22) Phasing. The establishment of common open spaces and construction of public or common recreational facilities shown on the recorded planned unit development plan together with the construction of other non-residential structures shall proceed substantially in accordance with the phasing program referred to in Section 15, Subsection 6.

After general construction commences, the Director of Planning shall review, at least once every six (6) months, all building permits issued and compare them to the overall development phasing program. If he determines that the rate of construction of residential units or non-residential structures substantially differs from the phasing program, he shall so notify the developer and the Zoning Enforcement Officer, in writing; thereafter the Zoning Enforcement Officer may issue such orders to the developer as he sees fit, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or non-residential structure until compliance is achieved.

(23) Violation. Whenever the Plan Commission shall find, in the case of any approved Planned Unit Development, that any of the terms, conditions, or restrictions upon which such approval was granted are not being complied with, the Plan Commission may rescind and revoke such approval. Notice thereof shall be given in accordance with subsection 20.

Violation of a Planned Unit Development, as approved, shall constitute a violation of the Zoning Ordinance.

Section 33-15. HEIGHT REQUIREMENTS - ALL DISTRICTS.

A. Except as hereinafter provided, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limit established for the district where such building or structure is located, as follows:

District	Maximum Height
R-1, R-2	25 feet
R-A, R-B	35 feet
R-3, B-3-B, B-4	50 feet
B-1-A, B-1-B, B-2, B-2-A, IA	35 feet
B-3-A	400 feet
M-1, M-2, M-3	75 feet

B. Exception to Height Limitations:

(1) In "R1" and "R2" Districts, limiting height not to exceed 25 feet, any permitted structure may be increased in height not to exceed 35 feet, provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 25 feet.

(2) In "RA" and "RB" Districts, limiting height not to exceed 35 feet, any permitted structure may be increased in height not to exceed 45 feet provided the required side yards are increased an additional foot for each 1 foot such structure exceeds 35 feet.

(3) On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

(4) On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to depth of not more than 150 feet from that street.

	1 Story Detached	One Story Townhouse (or Apt.)	2 Story Detached	2 Story Townhouse	2 Story Apt.	3 Story Apt.	6 Story Apt.
R1	3.5	----	3.5	----	----	----	----
R2	3.5	4.4	3.5	4.4	4.4	----	----
R3	3.5	5.4	3.5	5.4	5.4	5.4	6.0
RA							
RB	3.8	4.8	3.8	4.8	4.8	4.8	----

Note: The land use intensity rating between 3 and 6 stories will be prorated over 6 stories determined by Commission.

B1A, B1B, B3B, B4 and M1 Districts are permitted the same land use intensity as an R3 District.

Land Use Intensity Rating & Ratios Permitted (Based On Gross Acreage of Tract)						
Land Use Intensity Rating	FAR	OSR	RSR	LSR	TCR	CCR
3.3	0.12	6.4	0.22	4.8	2.0	1.8
3.5	0.14	5.45	0.20	4.0	2.0	1.65
3.8	0.18	4.4	0.19	3.0	1.8	1.6
4.0	0.2	3.8	0.18	2.6	1.7	1.5
4.4	0.26	2.8	0.16	1.8	1.4	1.3
4.8	0.34	2.1	0.12	1.3	1.4	1.2
5.4	0.53	1.4	0.12	0.78	1.2	0.96
6.0	0.8	0.88	0.095	0.5	0.96	0.8

LAND USE INTENSITY RATING	
FAR Floor Area Ratio ..	is maximum square footage of total floor area permitted for each square foot of land area.
OSR Open Space Ratio ..	is minimum square footage of open space required for each square foot of floor area.
LSR Living Space Ratio ..	is minimum square footage of nonvehicular outdoor space required for each square foot of floor area.
RSR Recreation Space Ratio ..	is minimum square footage of recreation space for each square foot of floor area.
OCR Occupant Car Ratio ..	is minimum number of parking time limits required for each living unit.
TCR Total Car Ratio ..	is minimum number of parking spaces required for each living unit.
(5) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, electrical transmission and communication poles and towers, theater screens, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, industrial installation requiring a vertical production procedure, such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no such structures or any place above the height limit be allowed for the purpose of providing additional floor space for residential, business or industrial use.	
(6) In an "R3" Zone located somewhere within the west one-half of Section 1, Section 2, North one-half of Section 11, or the	

Northwest one-quarter of Section 12, all in Township 30 North, Range 12 East, Fort Wayne, Allen County, Indiana, a greater height than 50 feet may be permitted up to a maximum allowable height not to exceed twelve stories or 125 feet, whichever is less.

Section 33-16. RESIDENTIAL LOT AREA REQUIREMENTS.

A. Except as hereinafter provided, no residential building or structure shall be erected unless such building or structure conforms and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement or reconstruction conforms with the area requirements of the district in which it is located as follows:

District	Min. Width at Building Line	Min. Lot Area (Square Feet)	Required Lot Area Per Dwelling Unit; No. of Units and Sq. Ft. Per Unit
R1	50 feet	6000	1 6000
R2	50 feet	6000	1 6000 2 3000
R3, B1, B3A, B3B, B4, M1, M2	50 feet	6000	1 6000 2 3000 3 or more 1500
RA	75 feet	10000	1 10000 2 7000 3 or more see Section 14 (D), 10
RB	60 feet	7200	1 7200 2 5000 3 or more see Section 14 (D), 10

B. Exceptions to Area and Width Requirements:

(1) Recorded Lots Less than Minimum Area - Lots established by legally recorded plat or deed at the time of the enactment of this chapter which have less than the minimum area requirement established by this section, may nevertheless be used for any use permitted within the district in which such lot is located.

(2) Through Lot (May be Two Lots) - Where a through lot has a depth of 200 feet or more, and has an area of 10,000 square feet or more, said lot may be treated as two lots with the rear lines of each approximately equidistant from the front lot lines.

27 (3) "RA" Districts, City Water and City Sanitary
 28 Sewer Facilities - Where in an "RA" District, city water and city sanitary
 29 sewer facilities are installed, the minimum width at the building line, the
 30 minimum lot area and the required lot area per dwelling unit for lots served
 31 by such facilities shall be the same as that prescribed for an "RE" Dis-
 32 trict.

(4) Where in an "RA" District, City water and a
 public or quasipublic aerobic-type treatment system designed to serve a
 minimum of fifty (50) families are installed, the minimum width at the
 building line, the minimum lot area and the required lot area per dwelling
 unit for lots served by such facilities shall be the same as that prescribed
 for an "RE" District.

1 (5) "R3" District - In an "R3" District the Zoning
 2 Enforcement Officer may issue an improvement location permit and a certifi-
 3 cate of occupancy for a multi-family dwelling having minimum lot areas of
 4 one thousand (1,000) square feet per dwelling unit providing the following
 5 conditions are satisfied:

- 6 a The number of bedrooms per living unit
 7 does not exceed two bedrooms in any of the
 8 living units where the minimum lot area is
 9 less than 1,500 square feet per unit.
- 10 b The side yard which adjoins an apartment
 11 building shall be increased an additional
 12 three feet for each additional story above
 13 two stories in height.
- 14 c The side and rear yards which adjoin a
 15 single or double family residential build-
 16 ing are increased three feet for each
 17 additional living unit exceeding a density
 18 of 1,500 square feet per unit in addition
 19 to the normal yard requirements set out in
 20 Section 17 of this Code. However, the
 21 combined total required side or rear yard
 22 as established by all sections of the
 23 Zoning Ordinance need not exceed 150 feet.
- 24 d The Zoning Enforcement Officer shall issue
 25 an improvement location permit when the
 26 developer has satisfactorily proven to the
 27 Zoning Enforcement Officer that the fol-
 28 lowing conditions exist:
 - 29 (i) The increased density that will
 30 result by the installation of this
 31 use will not impose any hardship on
 32 the existing schools serving the
 area in which the development will
 take place.
 - (ii) All existing sewers, water lines,
 streets and sidewalks serving the
 area proposed for development are
 adequate to handle the increased
 density that will occur as a result
 of the establishment of the use
 involved.
 - (iii) The increased density as proposed by
 the improvement location permit will
 not impose any hardship on the
 following elements of the Develop-
 ment Plan of the City of Fort Wayne:
 - (A) Land Use Plan
 - (B) Thoroughfare Plan
 - (C) Sewer Plan
 - (D) Water Plan
 - (E) School Plan
 - (F) Park and Playground Plan
- e If the Zoning Enforcement Officer does not
 issue an improvement location permit
 within fifteen (15) days after written

1 demand to do so by a developer or appli-
 2 cant, an appeal will lie to the Board of
 3 Zoning Appeals.

4 f The parcel of land upon which the use is
 5 erected shall have direct public access to
 6 a street as defined in the Zoning Ordi-
 7 nance for purposes of vehicular traffic,
 8 off-street parking, utilities, and other
 9 services such as mail delivery, garbage
 10 collection, fire and emergency units, etc.

11 g The arrangement of buildings shall be such
 that in the event the land is subdivided
 there shall be sufficient space between
 buildings, between buildings and the
 street, and between buildings and property
 lines to allow for the minimum platting
 requirements of the Subdivision Control
 Ordinance and the Zoning Ordinance of the
 City of Fort Wayne.

12 h The minimum area of the site to be devel-
13 oped, exclusive of all public streets,
14 alleys, or other public ways, shall not be
15 less than 45,000 square feet with a mini-
16 mum lot frontage of 150 feet.
17 i The nearest 15 feet to any side or rear
18 property line adjoining a single family
19 residential building shall be landscaped
20 and in no event shall parking be permitted
21 nearer than 15 feet to the side or rear
22 property line adjoining said single family
23 residential building.
24 j All parking spaces on existing or proposed
25 street right-of-way shall be for parallel
26 parking only.
27 k In no event shall the Zoning Enforcement
28 Officer issue an improvement location
29 permit or a certificate of occupancy for a
30 use where the density exceeds one thousand
31 (1,000) square feet per living unit for
32 structures of three (3) to five (5)
stories and one thousand two hundred and
fifty (1,250) square feet for structures
two (2) stories or less except by action
of the Board of Zoning Appeals.
1 All improvements of which the maintenance
would become the responsibility of the
City of Fort Wayne in the event of sub-
division shall meet the requirements of
the Subdivision Control Ordinance appear-
ing as Chapter 26 of this Code, and the
specifications of the Fort Wayne Board of
Public Works.
(6) In an "R3" Zone located somewhere within the
west one-half of Section 1, Section 2, North one-half of Section 11, or the
Northwest one-quarter of Section 12, all in Township 30 North, Range 12
East, Fort Wayne, Allen County, Indiana, the minimum lot area per dwelling

1 unit may be less than the 1,000 square feet per unit as required by para-
2 graph (5), Subsection B, Section 16, Article III, Chapter 36 of this Municipi-
3 pal Code, providing the minimum lot area per dwelling unit is not less than
4 700 square feet per unit in the case of six through nine stories in height
or 600 square feet per dwelling unit in the case of ten through twelve
stories in height, subject to the following conditions:

- 5 a The parcel of land upon which the use is
6 erected shall have direct public access to
7 a street as defined in the Zoning Ordinance for vehicular traffic, off-street
8 parking, utilities, and other services
9 such as mail delivery, garbage collection,
10 fire and emergency units, etc.
11 b The number of bedrooms per living unit
12 does not exceed two bedrooms in any of the
13 dwelling units where the minimum lot area
14 is less than 700 square feet per unit.

15 C. Only One Main Building On a Lot - Every building here-
16 after erected shall be located on a lot as herein defined. In no case shall
17 there be more than one residential building and its accessory buildings on
18 one lot.

19 Section 33-17. YARD REQUIREMENTS - ALL DISTRICTS

20 A. Except as hereinafter provided, no building or struc-
21 ture shall be erected unless such building or structure conforms, and no
22 building or structure shall be altered, enlarged or reconstructed unless
23 such alteration, enlargement, or reconstruction conforms with the yard
24 regulations of the district in which it is located, as follows:

25 (1) Front Yard Requirements - There shall be a front
26 yard which shall have a minimum depth as follows:

District	Depth in Feet
R1, R2, R3	25
RA, RB -	Equal to one-half of the width of the street right-of-way on which the lot fronts. The right-of-way width shall be either that of an existing street or a proposed street identified in the City of Fort Wayne Thorough- fare Plan, whichever is greater, provided that the required depth of these front yards shall not be less than 30 feet and need not be more than 60 feet.
B1A, B1B -	Other Than Residential Use 15
B3A, B3B	None
M1, M2 -	Other Than Residential Use None
B2, B2A, B4, M3 -	Other Than Residential Use 75
B1A, B1B, B4, M1, M2 -	For Residential Use 25

(2) Front Yards On A Through Lot - At each end of a through lot there shall be a front yard of the depth required by this section for the district in which each street frontage is located, and one of such front yards may serve as a required rear yard.

(3) Front Yard, Between Buildings - Where a lot is situated between two lots, each of which has an existing main building thereon, the front yard requirements of such lot shall be the average of the front yards of said existing buildings.

(4) Front Yard, Adjoining Building - Where a lot abuts only one lot having an existing main building thereon, the front yard requirement of such lot shall be the average of the front yard of the existing building and the required front yard.

(5) Side Yard Requirements - There shall be two side yards for each lot, the minimum width of each of which and the aggregate width of both of which shall be as follows:

District	Width of Each Yard	Aggregate Width of Both Yards
R1, R2, R3 and B1A, B1B, B3B, B4, M1, M2 when used for residential purposes on first floor.	5 feet	25% of Lot Width or 20 feet whichever is less
RA, RB - One Dwelling Unit	10% of Lot Width	25% of Lot Width
More than one dwelling unit.	Above, plus 2 feet per additional unit	Above, plus 4 feet per additional unit
B1A, B1B, B2, B2A, B3B, B4, M1, M2, M3, when the lot abuts an "R" District	3 feet for each 12 feet of building height, or fraction thereof, but not less than 4 feet on the side which abuts an "R" District	Twice the "Each Yard" Requirement where applicable
B1A, B1B, B2, B2A, B3B, B4, M1, M2, M3, when the lot does not abut an "R" District	No requirements	None
B3A	No Requirements	None

(6) Side Yards Waived - For the purpose of side yard regulations, dwellings with common party walls shall be considered as one building occupying one lot.

(7) Rear Yard Requirements - There shall be a rear yard for each lot as indicated below, and the minimum depth of such yard shall be as follows:

District	Depth
For Residential Use in All Districts Permitting Such Use.	25% of Lot Depth, or 25 feet, whichever is less.
B1A, B1B, B2, B2A, B3A, B3B, B4, M1, M2, M3, when abutting an "R" District, otherwise none required.	20% of Lot Depth, or 20 feet, whichever is less.

(8) Rear Yard, Accessory Building - An accessory building not exceeding 20 feet in height may occupy not more than 30% of the area of a required rear yard, provided that no accessory building shall be closer than three (3) feet to a side lot line.

B. General Provisions and Exceptions to Yard Requirements:

(1) Yards Apply to Only One Building - No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space or any lot be considered as providing a yard or open space for another lot whereon a building is to be erected.

(2) Projections Into Yards:

- Cornice, Sill, Chimney or Fireplace - A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection which shall be a part of the main building) may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such yard and may extend or project into a required front or rear yard not more than 30 inches. Chimneys or fireplaces may project into a required front, side or rear yard not more than 2 feet, provided the width of such side yard is not reduced to less than 3 feet.
- Fire Escape - A fire escape may extend or project into any front, side or rear yard not more than 4 feet.
- Open Stairway or Balcony - An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required rear yard not more than 4 feet and such balcony may extend into a required front yard not more than 30 inches.
- Open Porch - An open platform or landing which does not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than 6 feet, provided, that the width of a side yard is not reduced to less than 3 feet.

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- e Fence or Wall - A fence, latticework screen, hedge or wall, not more than 7 feet in height, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed 3 feet in height, may be located in any required front yard. Provided, however, that nothing contained in this chapter shall be deemed to prohibit the construction or maintenance of a fence of any height in connection with any permitted agricultural use.
 - f Trees, Shrubs, Flowers, or Plants - Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided it does not violate the provisions for corner setbacks as required in this section.
 - g Other Specified Structures - Walks, driveways, curbs, retaining walls, mailboxes, name plates, lamp posts, bird baths and structures of a like nature shall be permitted in any required front, side or rear yard.

(3) Corner Visibility - No fence, wall, hedge, other planting or other obstruction to vision, extending in excess of 3 feet above the established street center line grade shall be erected or maintained on that part of the corner lot that is included between the lines of intersecting streets and a line intersecting them at points of 15 feet distant from the intersection of the street lines.

(4) On a corner lot the required rear yard, as defined by the Zoning Ordinance, may be reduced to no less than fifteen (15) feet; subject to the following conditions:

- a The front yard complies with the minimum setback requirements as established by other sections of the Zoning Ordinance or platted building lines.
- b The side yard, as defined by the Zoning Ordinance, adjacent to a side street shall also meet the minimum front yard requirements of the Zoning Ordinance or platted building lines, which ever are more restrictive.
- c The internal side yard, as defined by the Zoning Ordinance, shall not be less than twenty-five (25) feet.

In the event that a permit is issued based upon the above exception, allowing a fifteen (15) foot rear yard, than in no event shall the internal side yard of twenty-five (25) feet be encroached upon except by variance of the Board of Zoning Appeals.

(5) On an internal lot which does not have parallel sides or parallel front and rear lines, the required side or rear yards may be established by using an average distance between the building and the non-parallel side or rear line. However, in no event, shall any part of the house be nearer than six (6) feet from a side line and fifteen (15) feet from a rear line, unless authorized by the Board of Zoning Appeals.

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- Fencing:
- (6) Junk Yard, Refuse Dumps and Open Land Use Screen
 - a An opaque, solid fence having a height above ground level of not less than seven (7') feet shall be erected on all perimeters of all Junk Yards, as defined in this chapter, Refuse Dumps and Public Garages with outside over-night storage of ten (10) or more vehicles, as defined in this chapter. The fencing shall be uniform material, color, and height, provided, however, that the provisions of paragraph (3) of this section referring to corner visibility must be adhered to.
 - b Any Junk Yard, Refuse Dump, or Public Garage with over-night storage for ten (10) or more vehicles existing as a permitted or non-conforming use, whether legal or not, upon effective date of this paragraph, must, if they are to continue, have an opaque fence as described in paragraph (a) above erected on all the perimeters of said use not later than six (6) months from enactment of this ordinance.

Section 33-18. LOT COVERAGE IN SPECIFIED DISTRICTS.

In the districts hereinafter listed, residential buildings or structures, including accessory buildings or structures, shall not be erected, enlarged or reconstructed to exceed the maximum lot coverage established for the district wherein such buildings or structures are located as given below. In computing such coverage, the area of open porches and terraces shall be excluded.

District	Maximum Coverage
R1, R2, R3, B1A, B1B, B3B, B4, M1, M2	30% of lot area or 1,800 square feet, whichever is greater.
RA, RB	25% of lot area

Section 33-19. RESIDENTIAL BUILDING SIZE - SPECIFIED DISTRICTS.

No building or structure shall be erected, enlarged, or reconstructed for residential purposes having a ground floor area, exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum established for the district wherein such building or structure is located as follows:

District	Ground Floor Area of Bldg. (Sq.Ft.)	
	One Story	More Than One Story
R1	672	480
R2 - One Dwelling Unit	672	480
Two Dwelling Unit	960	480
R3 - One Dwelling Unit	672	480
Two Dwelling Unit	960	480
Three or More Units	Above, Plus 480 per unit	Above, Plus 400 per unit
RA, RB, B1A, B1B, E3A	Same Requirements as R3 District	
B3B, B4, M1, M2		

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 33-20. IMPROVEMENT LOCATION PERMIT.

A. No Building or structure, except buildings incidental to non-residential agricultural uses shall be erected, reconstructed, enlarged or moved until an Improvement Location Permit shall have been applied for in writing and issued by the Zoning Enforcement Officer.

B. No Improvement Location Permit shall be issued by the Zoning Enforcement Officer for the proposed erection, reconstruction, enlargement or moving of a building or structure unless the proposed erection, reconstruction, enlargement or moving of a building or structure conforms with the provisions of this chapter.

C. Applications for Improvement Location Permits shall be made upon form prescribed by the Zoning Enforcement Officer and shall be accompanied by plans and specifications of sufficient detail to enable the Zoning Enforcement Officer to determine whether the proposed improvements will comply with the provisions of this chapter.

D. The applicant shall post said permit in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

E. Every permit may be revoked if active work is not commenced within sixty (60) days after the date of its issue, and continued with due diligence to completion; and the Zoning Enforcement Officer shall judge if due diligence is being shown and shall notify the owner or agent in case due diligence is not being shown.

F. If the Zoning Enforcement Officer determines that the work under any permit is not being continued with due diligence to completion or is not proceeding according to the detailed statement, plans and specifications, upon which such permit was issued, or is proceeding in violation of law, it shall be his duty to give written notice thereof to the owner or his agent, requiring that the same must be immediately rectified.

G. If the owner or his agent neglects to comply with the provisions of such notice within such time as may be specified by the Zoning Enforcement Officer, or fails to commence active work within sixty (60) days after the date of issue, it shall be the further duty of the Zoning Enforcement Officer to revoke said permit and written notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work, or posted on the property.

H. After such revocation of permit, any person performing any work in or about said structure, building or premises shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar nor more than one hundred dollars.

Section 33-21. CERTIFICATE OF OCCUPANCY.

A. No occupancy, use or change of use, except buildings incidental to non-residential agricultural uses shall take place until a certificate of occupancy shall have been applied for in writing and issued by the Zoning Enforcement Officer, in the following cases:

- (1) Occupancy and use of a building or structure hereafter erected or enlarged.
- (2) Change in use of an existing building or structure.
- (3) Occupancy and use of vacant land except for the raising of crops.
- (4) Change in the use of land to a use of a different classification except for the raising of crops.
- (5) Any change in use of a nonconforming use.

B. If the proposed use is in conformity with the provisions of this chapter, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for the same has been made; provided, however, that no Certificate of Occupancy shall be issued in connection with the construction, alteration, enlargement or moving of a building or structure until such construction, alteration, enlargement or moving shall have been completed. Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the provisions of this chapter.

C. All improvements in any subdivision duly recorded after July 1, 1964, shall be installed in a manner that complies with the general and detailed specifications handbook adopted by the Board of Public Works of the city on August 14, 1961, and any amendments thereof which have been or may be duly adopted by such board from time to time, before a Certificate of Occupancy shall be issued. A Certificate of Occupancy for any use lying within the jurisdiction of the City Plan Commission of the city shall not be issued until all contractual inspection costs or inspection fees required by General Ordinance No. G-40, adopted on August 25, 1959, and appearing as Title 28A in the 1959 edition of the Municipal Code of the city, and any amendments thereof, have been paid to the Engineering Permit Office.

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Section 33-22. COMPLETION OF EXISTING BUILDINGS.

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A. Nothing in this chapter shall require any change in the plans, construction or intended use of any building or structure, the construction of which was legally authorized by March 1, 1955 date of this chapter and which construction is being diligently prosecuted pursuant to such authority. Such entire building or structure shall be completed within two (2) years from March 1, 1955.

B. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the proper authorities of the city or of the state.

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Section 33-23. ENFORCEMENT.

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A. It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this chapter in the manner and form with the powers provided by this chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

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B. All departments, officials and employees of the city which are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter.

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Section 33-24. FILING FEES.

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A. For each application for an improvement location permit, the sum of Three Dollars (\$3.00) to be paid to and collected by the Zoning Enforcement Officer.

B. For each application for a certificate of occupancy the sum of Three Dollars (\$3.00) to be paid to and collected by the Zoning Enforcement Officer.

C. For each petition for an appeal from the decision of the Zoning Enforcement Officer to the Board of Zoning Appeals, a fee of Fifty Dollars (\$50.00) to be paid to and collected by the Zoning Enforcement Officer, the receipt for which shall accompany the petition.

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D. For each application for the approval by the Commission of a "B2" Regional Shopping Center Development Plan or a "B2A" Neighborhood Shopping Center Development Plan, or an "IA" Interchange Access Center Development Plan, a fee of Fifty Dollars (\$50.00) to be paid to and collected by the Zoning Enforcement Officer, the receipt for which shall accompany the application.

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E. For each petition for an amendment to this chapter, a fee of fifty dollars (\$50.00) to be paid to and collected by the City Controller the receipt for which shall accompany the petition.

F. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

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Section 33-25. PENALTIES.

A. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than three hundred dollars for each offense. Each day of the existence of any violation of this chapter shall be a separate offense.

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B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Plan Commission by its Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this chapter.

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C. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE VI. BOARD OF ZONING APPEALS

Section 33-26. ORGANIZATION.

The Board of Zoning Appeals of the city, as presently constituted, is hereby recreated and re-established and continued and shall exist hereafter subject to and in accordance with the provisions of Chapter 174 of the Acts of 1947 of the General Assembly of the State and all acts now or hereafter amendatory thereto.

Section 33-27. MEETINGS.

The Board shall meet at least once each month on a regular day set by the Board and at other times at the call of the chairman or of not less than three (3) members thereof.

Section 33-28. PROCEDURE.

The procedure of the Board shall be governed by the provision of Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana and all acts amendatory thereto. The Board shall adopt rules and regulations concerning the filing of appeals, the giving of notices, the conduct of its hearings and for all other of its operations and procedures as shall be necessary to carry out its duties. It shall keep minutes of its proceedings, records of its examinations and other official actions, prepare written findings and record the vote on all actions taken. All minutes and records of the Board shall be public.

Section 33-29. POWERS OF THE BOARD OF ZONING APPEALS.

A. The Board of Zoning Appeals shall:

(1) Hear and determine appeals from and review any order, requirement decision or determination made by the Zoning Enforcement Officer and any other administrative official or board charged with the enforcement of this chapter or any regulation adopted pursuant hereto;

(2) Permit and authorize contingent uses and special uses subject to and within the limitations prescribed by the provisions of this chapter;

(3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all powers of the officer or board from whom the appeal is taken. It may impose such conditions, regarding the location, character and other features of the proposed building, structure or use with which the appeal before it is concerned, as it may deem advis-

able in furtherance of the purposes of this chapter and the protection of the public convenience and welfare, provided, however, that it shall not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this chapter.

ARTICLE VII. PRIVATE RESTRICTIONS

Section 33-30. WHEN CHAPTER MORE RESTRICTIVE.

Whenever the provisions of this chapter are more restrictive or impose higher standards than are required by any statute of the state or any provision of any other chapter of this Code or of any other ordinance of this city or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this chapter shall govern.

Section 33-31. WHEN OTHER PROVISIONS MORE RESTRICTIVE.

Whenever the provisions of any statute or of any other chapter of this Code or of any other ordinance of this city, or any restriction or limitation established by plat or deed or otherwise running with the land, is more restrictive or imposes higher standards than are required by this chapter, the provisions of such statute, chapter, ordinance, plat, deed, restriction or limitation shall govern.

ARTICLE VIII. SEVERABILITY.

Section 33-32. If any part, parts, section, sections, provision, clause or portion of this chapter shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this chapter as a whole or of any other part, section, clause, provision or portion of this chapter.

ARTICLE IX. HISTORICAL DISTRICTS.

Section 33-33. PURPOSES

In order to promote the economic and general welfare of the citizens of Fort Wayne and to insure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the City of Fort Wayne that the qualities relating to the history of the City and a harmonious outward appearance of structures which support and enhance property values and attract residents be preserved. Some of these qualities are the continued existence and preservation of historic areas and buildings, the continued construction, reconstruction, and remodeling of buildings in the historic styles and a general harmony as to style, form, proportion, texture and material between the buildings of historic design and those of more modern design. This purpose is advanced through the preservation and protection of the historically or architecturally worthy structures which impart a distinct aspect to the City and which serve as visible reminders of the historic heritage of the City. A Historic District shall apply to the parcel(s) so designated and any structure(s) or appurtenances found thereon. Although this ordinance does not directly relate to the procedures for designation of a structure or area on the National Register of Historic Places, coordination between this ordinance and the National Register's procedures is strongly encouraged.

Section 33-34. DEFINITIONS

A. Review Board - Fort Wayne Historic Preservation Review Board.

B. Certificate of Appropriateness - A certificate issued by the Zoning Enforcement Officer stating that the occupancy, use or alteration of land, building or structure in a Historic District referred to therein complies with the provisions of this chapter.

C. Commission - Fort Wayne City Plan Commission.

D. Demolition - The razing of any exterior architectural feature or structure, including its ruining by neglect of necessary maintenance and repairs, or either.

E. Demolition Permit - A permit which authorizes the razing of any exterior architectural feature or structure.

F. Economically Unfeasible - A cost in excess of anticipated return, considering all viable alternatives.

G. Emergency Repair - Replacement of any external component of a primary structure, which if delayed could cause severe damage to the other components of the structure or which would prohibit adequate protection from the weather elements and thus jeopardize the health, welfare or safety of the occupants.

H. Form - The shape and structure of something as distinguished from its material.

I. Improvement - Any place, structure, building, fixture, or man-made object which in whole or part constitutes a visually significant exterior physical betterment, adornment, or enhancement of any real property.

J. Landmark - Any physical feature or improvement designed by the City Council as such, which in whole or part has historical, social, cultural, architectural, or aesthetic significance to the City and has been in existence for no fewer than fifty (50) years.

K. Material - Matter that has qualities which give it individuality and by which it may be categorized.

L. Overlay District - A district which imposes requirements in addition to the regulations of the underlying zoning district.

M. Physically Unfeasible - Lack of existence of labor, material and/or techniques to perform the work.

N. Planning Department - The Department of Community Development and Planning or such person authorized.

O. Proportion - Harmonious relation of parts to each other or the whole.

P. Site Improvement - All or any of the landscaping, planting, paving, steps, fencing, masonry walls, and other significant attributing features on the site of any structure.

Q. Style - A manner of expression characteristic of an individual, period, school or nation.

R. Texture - The visual or physical surface characteristics and appearance of a structure.

Section 33-35. CREATION OF THE HISTORIC PRESERVATION REVIEW BOARD

A. The Review Board shall consist of seven (7) members. The voting members shall be appointed by the Mayor of the City of Fort Wayne and approved by the Fort Wayne City Council. One member must have Indiana architectural certification, one member shall be a Real Estate Broker, one member shall be a contractor licensed by the Fort Wayne/Allen County Building Department, one member shall be a professional historian, and three members shall be chosen from the community-at-large. Voting members shall each serve for staggered terms of three (3) years; however, the initial terms of members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered. A vacancy shall be filled through appointment by the Mayor for the duration of the unexpired term and approved by the Fort Wayne City Council. No members shall be employed by the City of Fort Wayne. Members must be residents of the City of Fort Wayne who have demonstrated an interest in the preservation and development of historic buildings and areas.

B. Members of the Review Board shall serve without compensation but shall be paid for reasonable expenses incurred in the performance of their duties.

C. The Review Board shall elect from its membership a Chairperson, Vice-Chairperson and Secretary who shall serve for one (1) year and who may be reelected. The Review Board shall adopt rules for the transaction of its business not inconsistent with this Section. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All scheduled meetings of the Review Board must be open to the public and a public record shall be kept of the Review Board's resolutions, proceedings, and actions. The secretary shall be responsible for the maintenance of the Review Board's records.

D. Any official action of the Review Board requires a consensus of a majority of the members. For the Review Board to take action a quorum of four (4) members must be present.

E. The Review Board shall hold regular meetings, at least monthly, except when it has no business.

F. Each official of the governmental unit who has responsibility for building inspection, building permits, planning, or zoning shall provide such technical, administrative and clerical assistance as may be requested by the Review Board.

Section 33-36. ESTABLISHMENT AND REGULATION OF HISTORIC PRESERVATION DISTRICTS.

A. The City Council may by ordinance establish, amend, or rescind one or more areas or structures of the city as Historic Preservation Districts, in accordance with the procedures and standards stated in this Article. A Historic Preservation District is subject to the regulations and restrictions imposed by this Article as well as other Articles of this Ordinance. A Historic Preservation District applies to areas or structures so established and any appurtenances therein or thereto.

B. Amendments may be initiated by a petition from the Plan Commission, or by the owners of 50% or more of the area involved in the petition. Petitions shall be filed in the Planning Department on the form prescribed by the Plan Commission.

C. Upon receipt by the Review Board, such application shall be forwarded to the Planning Department, which shall investigate the property which is the subject of such application and shall prepare a written report for the Review Board.

D. At the next regularly scheduled meeting of the Review Board following its receipt of the Planning Department's report, such application shall be considered by said Review Board, which shall recommend to the Plan Commission within 180 days:

(1) that such application be approved as submitted or as modified by that Review Board, or,

(2) that action be deferred, or,

(3) that such application shall be denied.

E. The Plan Commission shall hold a public hearing on such petition and recommendation by the Review Board. At least ten (10) days prior to the date set for such hearing, the Plan Commission shall publish in a newspaper of general circulation in the City, a notice of time and place of such hearing. Following such hearing the Plan Commission shall consider such petition and shall recommend to the City Council:

(1) that such petition be approved, as submitted or as modified by the Plan Commission, or,

(2) that action be deferred, or,

(3) that such petition be denied.

F. Thereafter, an ordinance relative to such petitions shall be prepared and submitted to the City Council, which shall proceed with the consideration of such proposed ordinance in the same manner and subject to the same voting requirements as would apply in the case of an ordinance to rezone land, provided that the City Council may amend such proposed ordinance prior to its adoption in any manner it may deem necessary to accomplish the purposes of this section.

G. A Historic Preservation District shall not be established unless the proposed area or structure is consistent with the purposes of this Article and one or more of the following standards.

(1) The presence of one or more styles of architecture; (a) reflecting one or more historical periods; (b) having a unique significance, interest, importance, or value, or; (c) in danger of becoming extinct.

(2) The presence of one or more structures or structural features which are of historical, social, cultural, architectural, or aesthetic significance, interest, importance, or value.

(3) The presence of a distinct historic interest of a local, state, or national character.

Section 33-37. CERTIFICATES OF APPROPRIATENESS

A. In Historic Districts no exterior portion of any structure, (including walls, fences, light fixtures, colors, steps and parking lots or other appurtenant features) utility or sign, shall be erected, altered, restored, moved or demolished until an application for a Certificate of Appropriateness has been submitted to and approved by the Review Board.

B. Nothing in this Article shall be construed to prevent the ordinance repairs and maintenance of any such structure.

C. An application for a Certificate of Appropriateness shall be filed in the Planning Department on the form prescribed by the Review Board. Within ten (10) days of receipt, such application shall be forwarded to the Review Board for consideration. The Review Board or Planning Department may require submission of such reports and exhibits as are reasonably necessary in making a determination as to appropriateness. For construction, alteration or renovation in Historic Districts, the Review Board shall consider an application for a Certificate of Appropriateness within thirty (30) days following the receipt of the application.

8 D. A Certificate of Appropriateness shall not be issued
9 unless the Review Board finds that the proposed work is appropriate and
10 consistent with the purposes of this Article and after considering the
11 following standards:

12 (1) The effect of the proposed work in creating,
13 changing, destroying, or affecting the exterior architectural features of
14 the structure upon which such work is to be done,

15 (2) The relationship between such exterior archi-
16 tectural features, together with such effects, and the exterior architec-
17 tural features of the structure,

18 (3) The relationship between the results of such
19 work and the exterior architectural features of any other, neighboring
20 structures in such district,

21 (4) The effects of such work upon the preservation,
22 protection, enhancement, perpetuation, and use of the structure.

23 In appraising such effects and relationships, the
24 factors of historical, social, cultural, architectural, and aesthetic
25 significance, interest, importance, and values, and architectural style,
26 design, arrangement, texture, material and color shall be considered. The
27 Review Board may adopt other criteria to follow in the review of applica-
28 tions for Certificate of Appropriateness as it deems appropriate.

29 E. In the event the Building Department, the Fire Depart-
30 ment, the City/County Health Department, or any agency of the City/County,
31 or any Court having jurisdiction thereof, (a) shall determine that a struc-
32 ture or any part thereof within a Historic Preservation District is hazar-
dous or dangerous to the health and safety of persons or to property, and,
(b) having authority to do so, shall order the construction, reconstruction,
alteration, or demolition of any such structure, or part thereof to correct
the conditions determined to be hazardous or dangerous, nothing in this
Article shall be so construed as making it unlawful for any person without
the prior issuance of a Certificate of Appropriateness to comply with such
order to the extent that such compliance corrects the conditions so deter-
mined to be hazardous or dangerous, (c) any agency of the City issuing such
an order shall make every effort to insure that the construction, recon-
struction, alteration, or demolition is accomplished in keeping with the
spirit of this ordinance whenever possible.

F. Any agency of the City issuing such an order shall
give the Review Board notice of its order or proposed order. No agency of
the City shall issue such an order to any person not having a Certificate of
Appropriateness for such work within a Historic Preservation District when
there is sufficient time to apply for and obtain a Certificate of Approp-
riateness nor issue such an order for work which would be more than
necessary to correct such hazardous or dangerous conditions.

G. For demolition within a Historic Preservation District
such application for a Certificate of Appropriateness shall be filed with
the Planning Department on the form prescribed by the Review Board. Within
ten (10) days of receipt, such application shall be scheduled with the
Review Board for consideration. The Review Board or Planning Department may
require submission of such reports and exhibits as are reasonably necessary
in making a determination as to appropriateness. A demolition permit shall
not be issued until the Review Board takes one of the following actions:

(1) If preservation is found to be physically or
economically unfeasible, the Review Board shall authorize issuance of a
demolition permit.

(2) If preservation is found to be physically or
economically feasible, the Review Board shall delay such action for a period
not to exceed one (1) year, during which time it shall take whatever public
or private action is within its power leading to preservation.

If after sixty (60) days the Review Board has not taken
final action, the City/County Building Department may treat such application
as though demolition has been authorized by the Review Board. Notice shall
be posted on the premises of the building or structure proposed for demoli-
tion in a location clearly visible from the street. In addition, notice
shall be published in a newspaper of general local circulation at least
three (3) times prior to demolition, the final notice of which shall be not
less than fifteen (15) days prior to the date of the permit, and the first
notice of which shall be published no more than fifteen (15) days after the
application for a permit to demolish is filed. The purpose of this section
is to preserve historic buildings which are important to the education,
culture, traditions and the economic values of the governmental unit,
interested persons, historical societies or organizations the opportunity to
acquire or to arrange for the preservation of such buildings. The Review
Board may at any time during such stay approve a Certificate of Appropriate-
ness in which event a permit shall be issued without further delay and
demolition may proceed.

H. Any person or party aggrieved by a decision made by
the Historic Preservation Review Board upon an application for Certification
of Appropriateness shall be entitled to a review thereof by the Board of
Zoning Appeals of the City in accordance with the provisions of this Sec-
tion. Such review may be had by filing a petition for review with the Board
of Zoning Appeals within fifteen (15) days after receipt of notice that such
determination is made by the Historic Preservation Review Board. The Board
of Zoning Appeals shall consider such petition and shall limit its review to
whether the decision is arbitrary, capricious, an abuse of discretion, or
otherwise not in accordance with law. The Board of Zoning Appeals may
affirm, remand, or reverse its decision. Any person or party aggrieved by
the decision and the order of the Board of Zoning Appeals may appeal to the
Allen Circuit Court or Allen Superior Court within thirty (30) days after
the date of the decision and the order of the Board of Zoning Appeals
pursuant to Indiana law as provided in such cases.

Section 33-38. PRE-EXISTING HISTORIC DISTRICTS

In accordance with this section the original amended maps shall
designate previous Historic Districts approved by City Council as part and
subject to this ordinance.

Section 33-39. ENFORCEMENT AND PENALTIES

The procedure for enforcement of this article shall follow Article
V, Section 23 and 25 of this ordinance.

Section 33-40. SAVING CLAUSE

The enactment of this chapter shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part or provision of any chapter of the Municipal Code of the City of Fort Wayne, Indiana, 1946 prior to the taking effect of this chapter.

ARTICLE X - FLOOD PLAIN MANAGEMENT AND CONTROL

Section 33-41. General Criteria For Flood Plain Regulations.

A. Objectives.- The objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to:

- (1) Protect human life and health.
- (2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- (3) Provide for public awareness of the flooding potential.
- (4) Minimize public and private property damage.
- (5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.
- (6) Control Flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.
- (7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
- (8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.
- (9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.
- (10) Control development which will, when acting alone or in combination with similar development create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write offs.
- (11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-blight areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 33-42. Definitions - Whenever used or referred to in this ordinance unless a different meaning appears from the context:

- A. "Board" - Board of Zoning Appeals
- B. "Commission" - Fort Wayne City Plan Commission
- C. "Flood" or "Flood Water" - means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.
- D. "Flood Hazard Areas" - means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.
- E. "Flood Plain" - means the area adjoining the river or stream which has been or may hereafter be covered by flood water.
- F. "Flood-Proofing" - a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.
- G. "Flood Protection Grade" - means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.
- H. "Floodway" (FW) see (M) "Regulatory Floodway"
- I. "Floodway Fringe" (FF) - means those portions of the flood hazard areas lying outside the floodway.
- J. "General Flood-Plain District" (GF) see (D) "Flood Hazard Areas".
- K. "INRC" - The Indiana Natural Resources Commission.
- L. "Obstruction" - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. "Regulatory Flood" - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

25 N. "Regulatory Flood Profile" - means a longitudinal pro-
 26 file along the thread of a stream showing the maximum water surface eleva-
 27 tions attained by the regulatory flood.

28 O. "Regulatory Floodway" or "Floodway" - means the chan-
 29 nel of a river or stream and those portions of the flood plains adjoining
 the channel which are reasonably required to efficiently carry and discharge
 the peak flood flow of the regulatory flood of any river or stream.

30 P. "River or Stream" - shall mean all open channels,
 31 whether natural, man-made, or notified by man, which carry or discharge
 water.

1 Section 33-43. Flood Hazard Area Delineation.

2 The areal extent of the flood hazard area shall include all land
 3 as indicated on maps supplied by the Army Corps of Engineers, the Soil
 4 Conservation Service and the Department of Housing and Urban Development.
 5 The regulatory floodway, floodway fringe, the peak discharge and the flood
 profile shall be determined by the INRC utilizing the best available tech-
 nology and shall be approved by the Commission.

6 Section 33-44. Establishment of District Boundaries.

7 The mapped flood-hazard areas within the jurisdiction of this
 8 ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF).
 9 The Boundaries of this district shall be shown on the official Zoning Map.
 10 Within this district all uses not permissible by right or as special-permit
 uses shall be prohibited.

11 Section 33-45. District Boundaries Changes Thereto.

12 The "General Flood-Plain District" shall be divided into a "Flood-
 13 way (FW)" and a "Floodway Fringe (FF) District" upon determination and
 14 delineation by the INRC and the Commission. When this division occurs the
 provisions outlined in Section 46 and 47 shall automatically take effect.

15 Section 33-46. General Flood Plain District. (GF)

16 A. General Provisions and Uses. It is the intent of this
 17 ordinance to control and manage the uses of land in the General Flood Plain
 18 (GF) so as to meet the objectives identified and superimposed over the
 19 existing zoning districts. However, before an Improvement Location Permit
 can be issued for any permitted uses, the Zoning Enforcement Officer must
 ascertain whether said use or accompanying structure will be detrimental to
 the objectives identified in Section 40 A. (1) - (11).

20 B. General Use Permit. All construction, building,
 21 alteration of structures or land, change of use, or initiation of a new use
 in the General Flood Plain will require a "general use permit" before the
 22 issuance of an Improvement Location Permit. This "General Use Permit" shall
 be granted by the Zoning Enforcement Officer.

23 C. Procedures Being Followed Regarding Construction in
 General Flood Plain District.

24 (1) All plans submitted to the Commission for either
 25 approval by the Commission or application for Improvement Location Permits
 26 will be checked against the official Zoning Map. If the site location falls
 27 within a flood hazard area, a location map and letter will be submitted to
 the INRC for their recommendation. Until comment is received from the INRC
 NO action will be taken by the Commission.

28 (2) Based upon the technical evaluation of the INRC,
 29 the Zoning Enforcement Officer shall determine and evaluate the specific
 30 flood hazard at the site and shall determine the suitability of the proposed
 31 use in relation to the potential flood hazard. If he finds the proposed use
 suitable, he will issue a "General Use Permit". Upon issuance of this
 permit an Improvement Location Permit shall be issued forthwith provided the
 other requirements of this ordinance have been satisfied.

32 If upon receipt of comments by the INRC, he finds that the proposed use is
 unsuitable in relation to the potential flood hazard, he shall deny the
 application for a "General Use Permit". The applicant may then file for a

1 hearing before the Commission if he so chooses. The applicant shall have
 2 the burden of proof to establish that the permit was wrongfully denied.

3 Both the Commission and the Zoning Enforcement Officer shall consider the
 4 factors listed in Section 46 D (2) when making their decision on the suit-
 ability of the proposed use.

5 Section 33-47. Floodway Districts. (FW)

6 A. Permitted uses within a regulatory floodway district.
 7 The following land uses have acceptable low flood damage potential and shall
 8 not require a special permit for construction in the floodway, provided they
 9 do not involve any structure, obstruction, deposit, or excavations. This
 10 list is intended to include examples of open space uses which will not
 adversely affect the efficiency of or unduly restrict the capacity of the
 regulatory floodway and are reasonably tolerant of the presence of flood
 waters.

11 (1) Agricultural uses such as the production of
 crops, pastures, orchards, plant nurseries, vineyards, and general farming;

12 (2) Forestry, wildlife areas, and nature preserves.

13 (3) Park and recreational uses, such as golf
 14 courses, driving ranges, and play areas.

15 B. Special Exception Uses - Floodway Districts. The fol-
 16 lowing uses of land may have unacceptable flood damage potential; involve
 17 structures, obstructions, deposits, or excavation which may adversely affect
 18 the efficiency of or unduly restrict the capacity of the regulatory flood-
 19 way; constitute an unreasonable hazard to the safety of life or property; or
 20 result in unreasonable detrimental effects upon fish, wildlife, and botan-
 21 ical resources. These uses will require a "Special Permit" for construction
 22 in the Floodway as provided in "Special Permit" uses of this ordinance. In
 23 general, these uses involve water management structures, transportation
 24 facilities, temporary or seasonal flood plain occupancy, or public, indus-
 25 trial, and commercial uses which are either dependent on their proximity to
 26 water or are reasonably open in nature and flood tolerant.

21 (1) Water management and use facilities, such as
 22 dams, docks, dolphins, channel improvements, dikes, jetties, groins,
 23 marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation
 24 facilities.

24 (2) Transportation facilities, such as streets,
 25 bridges, roadways, fords, airports, pipe lines, railroads, and utility
 26 transmission facilities.

26 (3) Temporary or seasonal flood plain occupancy,
 27 such as circus sites, fair sites, carnival sites, boat ramps, camps, road-
 28 side stands, and transient amusement facility sites.

28 (4) Water-related urban uses, such as wastewater
 29 treatment facilities, storm sewers, electrical generating and transmission
 30 facilities, and water treatment facilities.

30 (5) Other flood tolerant or open urban uses, such as
 31 flood-proofed industrial and commercial buildings, race tracks, tennis
 32 courts, park buildings, outdoor theatres, fills, truck freight terminals,
 radio or TV towers, parking lots, and mineral extractions.

C. Standards for Floodway Special Use Permit Uses All
 Uses. No structure (Temporary or permanent), fill (including fill for roads

1 and levees) deposit, obstruction, storage of materials or equipment, or
 2 other use may be allowed as a special exception use which, acting alone or
 3 in combination with existing or future uses, unduly affects the capacity of
 4 the floodway or unduly increases heights. Consideration of the effects of a
 5 proposed use shall be based on a reasonable assumption that there will be an
 6 equal degree of encroachment extending for a significant reach on both sides
 7 of the stream. In addition all floodway special permit uses shall be sub-
 8 ject to the standards contained in Section 47 D (2) of this Article.

D. Procedures for Development Within Floodway.

7 (1) Any use listed in this ordinance as requiring a
 8 special use permit may be allowed only upon application to the Zoning
 9 Enforcement Officer on forms furnished by him and the issuance of a "Special
 Permit." Upon receipt of the application the Zoning Enforcement Officer
 shall forthwith submit it to the Board of Zoning Appeals.

10 (2) Procedure to be followed by the Board of Zoning
 11 Appeals in passing on special permits. Upon receiving an application for a
 12 special permit involving the use of fill, construction of structures, or
 13 storage of materials, the Board of Zoning Appeals shall, prior to rendering
 14 a decision thereon; request and receive the recommendation of the INRC as to
 15 the suitability of the proposed use in relation to the flood hazard. In
 16 passing upon such applications, the Board of Zoning Appeals shall consider
 17 all relevant factors specified in other sections of this ordinance:

15 a The danger of life and property due to
 16 increased flood heights or velocities
 17 caused by encroachments.

17 b The danger that materials may be swept on
 18 to other lands or downstream to the injury
 19 of others.

19 c The proposed water supply and sanitation
 20 systems and the ability to these systems
 21 to prevent disease, contamination, and
 22 unsanitary conditions.

21 d The susceptibility of the proposed facil-
 22 ity and its contents to flood damage and
 23 the effect of such damage on the indivi-
 24 dual owners.

24 e The importance of the services provided by
 25 the proposed facility to the community.

25 f The requirements of the facility for a
 26 waterfront location.

27 g The availability of alternative locations
 28 not subject to flooding for the proposed
 29 use.

29 h The compatibility of the proposed use with
 30 existing development and development
 31 anticipated in the foreseeable future.

31 i The relationship of the proposed use to
 32 the comprehensive plan and flood-plain
 management program for the area.

j The safety of access to the property in
 times of flood for ordinary and emergency
 vehicles.

k The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l Such other factors which are relevant to the purposes of this ordinance.

E. Fill.

(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fills or other materials.

(2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

F. Structures (temporary or permanent).

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood-damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

a Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.

b So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or flood-proofed.

G. Storage of Material and Equipment.

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after Flood warning.

Section 33-48. Floodway-Fringe District. (FF)

A. Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical

facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for all buildings shall be at least at or above the regulatory flood profile and that the zoning shall be proper.

B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 33-49. Conditions Attached to "Special Permits"

Upon consideration of the factors listed above and the purpose of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purpose of this ordinance.

Section 33-50. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty percent (50%) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty percent (50%) of its pre-damaged market value. Any repairs, alteration, enlargements, or extensions, of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

21 Section 33-51. Variances.

22 This ordinance promulgates standards and procedures essential to
 23 assure reasonable protection to present and future uses within the flood
 24 plain. However, there may be a need from time to time, to permit variances
 25 from these standards in particular cases within areas which are almost
 26 entirely developed. The Board may grant such variances only where the
 27 following conditions are met:

28 (1) The structure or use is located on a lot of one
 29 half acre or less and is surrounded by existing structures; and,

30 (2) Good and sufficient cause exists for granting
 31 the variance; and,

32 (3) Failure to grant the variance would result in
 33 extreme hardship to the owners of the land; and,

34 (4) All possible efforts are made to minimize poten-
 35 tial flood damages.

36 If the Board grants a variance according to the above, it must give written
 37 notice to the applicant. This written notice shall include:

1 (1) The fact that the proposed structure will be
 2 located in a flood prone area.

3 (2) The number of feet that the lowest floor of the
 4 proposed structure will be below the 100-year flood level.

5 (3) The fact that the flood insurance rates will be
 6 increased commensurate with the distance below the 100-year flood level.

7 This notice shall be attached to the building permit and must be displayed
 8 with it.

9 Section 33-52. Warning and Disclaimer of Liability.

10 The degree of flood protection required by this ordinance is
 11 considered reasonable for regulatory purposes and is based on engineering
 12 and scientific considerations. Larger floods can and will occur on rare
 13 occasions. Flood heights may be increased by man-made or natural causes,
 14 such as ice or debris jams. This ordinance does not imply that area outside
 15 flood hazard areas, as defined herein, will be free from flooding or flood
 16 damages. This ordinance does not create liability on the part of the State
 17 of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne,
 18 or any elected or appointed official or employee thereof for any flood
 19 damages that result from reliance on this rule or any administrative deci-
 20 sion lawfully made thereunder.

21 Section 33-53. Severability.

22 If any section, clause, provision or portion of this Ordinance is
 23 adjudged unconstitutional or invalid by a court of competent jurisdiction,
 24 the remainder of this Ordinance shall not be affected thereby.

25 SECTION 33-54. That this ordinance shall be in full force and effect
 26 from and after its passage, approval by the Mayor and due legal publication
 27 thereof.

28 John Nuckols
 29 Councilman

Read the third time in full and on motion by Eisbart, seconded by
 Talarico and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt,
 Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as General Ordinance No. G-06-80 on the 11th day of March, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
 the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 13th day of March, 1980, at the hour
 of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-80-03-15

SPECIAL ORDINANCE NO. S-25-80

AN ORDINANCE amending Chapter 24 of the Municipal Code of the City Fort Wayne, Indiana, of 1974 by deleting a section of Article VII and by deleting Article IX in its entirety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended by Special Ordinance No. S15578, adopted September 12, 1978 is amended as follows:

a By deleting the section of Article VII thereof entitled "Zone Surcharge"; and

b By deleting Article IX thereof in its entirety.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-11-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-25-80 on the 11th day of March, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-13 (AS AMENDED)

RESOLUTION NO. R-21-80

A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF FORT WAYNE, INDIANA, THE QUESTION WHETHER SUCH MUNICIPALITY SHALL PURCHASE, ACQUIRE, AND OPERATE THE PRESENTLY OPERATING ELECTRIC UTILITY IN ORDER IN ITS PLACE TO ESTABLISH, HOLD AND OPERATE A MUNICIPALLY OWNED ELECTRIC UTILITY AND PROVIDING THAT A PORTION OF THE FUNDS NEEDED FOR SUCH PURPOSES, NOT IN ANY EVENT AN AMOUNT IN EXCESS OF ONE THIRD OF THE TOTAL COST OF SUCH UTILITY, MAY BE RAISED BY THE ISSUANCE AND SALE OF BONDS PLEDGING THE GENERAL CREDIT OF SUCH MUNICIPALITY

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WHEREAS, five percent (5%) of more of the voters of the City of Fort Wayne, Indiana, as shown by the total vote cast for all candidates for municipal clerk at the preceding municipal election therefor prior to the date of said petition have requested in writing the Common Council of said City to acquire and/ or purchase the presently operating electric utility system operating within such municipality;

WHEREAS, I.C. 8-1-2-99 makes it the duty of such Common Council to order an election thereon; and,

WHEREAS, I.C. 8-1-2-97 (c) requires that if the Common Council shall be of the opinion that it is impracticable to raise the entire funds necessary to purchase or otherwise acquire such electric utility solely by the issuance and sale of the revenue bonds, such Common Council shall by resolution or ordinance, provide that a portion of the funds needed for such purposes, not in any event an amount to exceed one third (1/3) of the total cost of such utility may be raised by the issuance and sale by such municipality of bonds pledging the general credit of such municipality; and,

WHEREAS, the Common Council is of the opinion that it would probably be impractical to raise the entire funds necessary to purchase or otherwise acquire such electrical utility solely by the issuance and sale of utility revenue bonds.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. That the following questions shall be submitted to the voters of the City of Fort Wayne, Indiana, at a special election to be held on May 6, 1980:

- (1) Shall the City of Fort Wayne, Indiana
acquire and/or purchase the presently operating electric utility system in order
in its place to establish, hold and operate a municipally owned electric utility?
Yes _____ No _____ "
- (2) "May the City of Fort Wayne issue and sell
its general obligation bonds (with both principal and interest payable out of taxes
to be thereafter levied by such City) to pay up to one-third (1/3) of the total cost
of acquisition of such electric utility?
Yes _____ No _____ "

SECTION 2. That the City Clerk of the City of Fort Wayne, Indiana, is hereby ordered and directed to deliver a duly certified copy of this Resolution to the appropriate election authorities for the purpose of placement of said questions on the ballot at the election to be held in the City of Fort Wayne, Indiana, on May 6, 1980.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
Nays: Four
Burns, Nuckols, D. Schmidt, Schomburg

Date: 3-11-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R21-80 on the 11th day of March, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 7:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

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Approved and signed by me this 12th day of March 1980, at the hour of 7:00 o'clock
A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-01

SPECIAL ORDINANCE NO. S-26-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-08037, dated February 15, 1980,
for the purchase of Pavement Marking Materials
from Baltimore Paint and Chemical Corp.
at a price of \$49,170.00

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That Civil City Purchase Order No. 408037, dated February 15, 1980, for
the purchase of Pavement Marking Materials for the Traffic Engineering Department, at a price of
\$49,170.00, is hereby ratified, confirmed and approved.

SECTION 2: That this Ordinance shall be effective upon passage and approval by the
Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-26-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of
March, 1980, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock
P.M.,E.S.T.

Win Moses, Jr.
Mayor

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BILL NO. S-80-03-02

SPECIAL ORDINANCE NO. S-27-80

AN ORDINANCE approving Civil City Purchase Order No. 4-08030, dated February 15, 1980 to Flex-O-Lite Division GS1, Inc. for the purchase of 1000 bags type B glass sphere road beads for the Traffic Engineering Department, at a price of \$9,906.50

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 408030, dated February 15, 1980, for the purchase of 1000 bags of type B glass road beads for the Traffic Engineering Department at a price of \$4,906.50 is hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance should be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-27-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-03

SPECIAL ORDINANCE NO. S-28-80

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$2,300,000 POLLUTION CONTROL REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, OF THE PURPOSE OF MAKING A LOAN TO ANTHONY HOME SERVICE & Building maintenance, INC., AND HANCHAR INDUSTRIAL WASTE MANAGEMENT, INC., IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT AND POLLUTION CONTROL FACILITIES LOCATED IN THE CITY: AUTHORIZING EXECUTION OF A LOAN AGREEMENT PROVIDING FOR THE DELIVERY OF A NOTE AND ASSIGNMENT THEREOF AS SECURITY FOR SAID BONDS: AUTHORIZING AND

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INDENTURE OF TRUST APPROPRIATE FOR THE
PROTECTION AND DISPOSITION OF THE REVENUES FROM
SUCH NOTES: AUTHORIZING THE TERMS OF SAID
BONDS AND THE EXECUTION OF A BOND PURCHASE
AGREEMENT PROVIDING FOR THE SALE THEREOF: AND
AUTHORIZING EXECUTION AND DISTRIBUTION OF AN
OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC 18-6-4.5 as amended (hereinafter called the "Act") is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Anthony Home Service & Building Maintenance, Inc. and Hanchar Industrial Waste Management, Inc. (the Companies") are corporations duly organized and existing under and by virtue of the laws of Indiana with their principal offices in Fort Wayne, Indiana; and

WHEREAS, the Companies have agreed to acquire, construct and operate economic development and pollution control facilities in the City if the City will finance a portion of the cost of such acquisition and constructions; and

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of (1) Indenture of Trust (the "Indenture") dated as of February 1, 1980, between the City and Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana (the "Trustee"), containing a form of pollution control revenue bond, (2) Loan Agreement (the "Loan Agreement") dated as of February 1, 1980, between the City and the Companies, containing a form of Promissory Note, Series 1980, from the Companies, (3) Bond Purchase Agreement (the "Bond Purchase Agreement") among The First National Bank of Chicago (the "Underwriter"), the City and the Companies, (4) Preliminary Official Statement of the City dated as of February 14, 1980, (5) Leases (the "Leases") between the Companies and (6) this Bond Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AS FOLLOWS:

Section 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the land buildings, equipment and facilities in connection therewith (the "Project") to be acquired and constructed with the proceeds of the Pollution Control Revenue Bonds herein authorized are "economic development facilities" and "pollution control facilities" as those phrases are used in the Act; that acquisition, construction and operation of the Project by the Companies will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City, will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new industries in such area and will abate and reduce pollution and promote health in and near the City; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient abatement or control of pollution, insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project.

Section 2. Authorization of Pollution Control Revenue Bonds. In order to pay a portion of the cost of acquiring and constructing the Project, there are hereby authorized to be issued, sold and delivered \$2,300,000 aggregate principal amount of Pollution Control Revenue Bonds (Anthony Home Service & Building Maintenance, Inc. Project) Small Business Series 1980 (the "Series 1980 Bonds") of the City. Any additional costs of the Project will be paid for by the Companies unless paid for with the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture.

Section 3. Terms for the Series 1980 Bonds. The total principal amount of Series 1980 Bonds that may be issued is hereby expressly limited to \$2,300,000; provided that Additional Bonds may be issued upon the terms and conditions and for the purposes provided in the Indenture and in the Loan Agreement.

The Series 1980 Bonds shall be issuable as coupon Bonds only in the denomination of \$5,000, except that pending preoperation of definitive printed bonds, the Series 1980 Bonds may be issued in temporary printed or typewritten form in denominations of \$5,000 or integral multiples thereof as provided in the Indenture. The Series 1980 Bonds shall be dated February 1, 1980, shall bear interest from such date until paid at the rate or rates set forth below, payable August 1, 1980, and semi-annually thereafter on February 1 and August 1 of each year until maturity, and shall mature on February 1 of each of the years set forth below and in the principal amount set opposite each year, as follows:

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<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1981	50,000	7.50%	1989	\$ 90,000	8.00%
1982	55,000	7.50	1990	100,000	8.00
1983	55,000	7.60	1991	105,000	8.10
1984	65,000	7.60	1992	115,000	8.20
1985	65,000	7.65	1993	125,000	8.30
1986	75,000	7.70	1994	135,000	8.40
1987	80,000	7.80	1995	145,000	8.50
1988	85,000	7.90	2000	955,000	9.00

Principal and interest and premium, if any, shall be payable at the principal office of the Trustee in Fort Wayne, Indiana.

The Series A Bonds maturing on February 1, 2000 shall be redeemed pursuant to the sinking fund provisions contained in the Indenture, such redemptions to be made in the following aggregate principal amounts on February 1 of the years set forth below:

<u>Year</u>	<u>Amount</u>
1996	\$160,000
1997	175,000
1998	185,000
1999	210,000

The Series 1980 Bonds shall be executed, shall be in such form, shall have such additional redemption provisions, and shall be subject to such other terms and conditions as set forth in the Indenture. The Series 1980 Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but are limited obligations of the City payable solely from revenues and other amounts derived from the Loan Agreement and shall be secured as provided in the Indenture. Forms of the Loan Agreement and Indenture are before this meeting and are by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 4 Bond Purchase Agreement; Sale of the Series 1980 Bonds. The Mayor is hereby authorized and directed to execute and deliver, in the name and on behalf of the City, a Bond Purchase Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects and by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert the same into the minutes of the Common Council and to keep it on file. The Mayor, City Clerk and City Controller of the City are hereby authorized and directed to sell the Series 1980 Bonds to or upon the order of the Underwriter upon the terms set forth in the Bond Purchase Agreement.

Section 5 Indenture. In order to secure the payment of the principal of and interest on the Bonds, the Mayor and City Clerk shall execute, acknowledge and deliver, in the name and on behalf of the City, an Indenture of Trust in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 6. Loan Agreement. In order to provide for the loan of the proceeds of the Series 1980 Bonds to acquire and construct the Project and the payment by the Companies of an amount sufficient to pay the principal of and premium, if any, and interest on the Series 1980 Bonds, the Mayor and the City Clerk shall execute, acknowledge and deliver in the name and on behalf of the City a Loan Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 7. Acceptance of Series 1980 Note. In connection with the Series 1980 Bonds, the City accepts as security for such Series 1980 Bonds the Promissory Note, Series 1980, of the Companies. The Series 1980 Note shall be substantially the form attached as Exhibit B to the Loan Agreement.

Section 8. Official Statement The Mayor is hereby authorized to execute a final Official Statement in substantially the form of the Preliminary Official Statement submitted to this Common Council with such changes and modifications therein as shall be necessary to make the statements in such final Official Statement consistent with this Bond Ordinance and such other changes and modifications as shall be approved by the Mayor, such approval to be evidenced exclusively by his execution thereof; and distribution of the Preliminary Official Statement and the final Official Statement is hereby authorized and approved. The form of Preliminary Official Statement now before this meeting is hereby approved and by this reference incorporated in this Bond Ordinance, and the City Clerk is directed to insert the same into the minutes of the Common Council and to keep it on file.

Section 9. Leases. This Common Council hereby approves the forms and terms of the Leases before this meeting and approves the lease of the Project by Anthony Home Service & Building Maintenance, Inc. to Hanchar Industrial Waste Management, Inc., pursuant to Leases in substantially the form submitted to this Common Council.

Section 10. General. The Mayor, City Clerk, and the City Controller be and they are each hereby authorized and directed in the name and on behalf of the City, to execute any and all instruments, perform any and all acts, approve any and all matters and do any and all things deemed by them, or any of them, to be necessary or desireable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and construction of the Project by the Companies, the issuance and sale of the Series 1980 Bonds, and the securing of the Series 1980 Bonds under the Indenture.

Section 11. Effective Date This Bond Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Talarico

Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-28-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-17

RESOLUTION NO. R-28-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$400,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, ACME HEAT TREATING, INC., an Indiana corporation ("Corporation") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that they propose that the Issuer acquire, construct and equip an economic development facility and sell the same to the applicant Corporation or loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be an existing building, a new addition thereto, equipment, and site improvements on a 2.13 acre tract at 5803 Industrial Road, Fort Wayne, Indiana (within the City Limits) for heat treat facilities ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (10-12 new jobs) to achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, hving received the advise of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.
2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$400,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutally acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.
4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and Issuer will sell the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, Giaquinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-28-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-24

RESOLUTION NO. R-29-80

A Resolution authorizing payment to
Hapco Division of Kearney National
for the purchase of repair parts

WHEREAS, (1) damage has occurred to various items of property under the jurisdiction of the Traffic Engineer, which, therefore, require repair; (2) insurance monies in reimbursement for such damage have been received and receipted by the City Controller in the amount hereafter listed; and (3) repair bid for the parts damaged has been received from the following company:

<u>ITEM</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Mis. repair parts	\$1,210.22	Hapco Division of Kearney National

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency for repair parts as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, nuckols, D. Schmidt, V. Schmidt, Stier, Schomburg,
Talarico

Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-29-80 on the 25th day of March, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-25

RESOLUTION NO. R-30-80

A RESOLUTION authorizing payments for repairs to certain damaged vehicles owned by the City of Fort Wayne, Indiana

WHEREAS, (1) the following city vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INS. PAYMENT</u>	<u>REPAIR AGENCY</u>
EMS Dodge Van '74 License Plate 25366	\$ 1,997.62	Poinsatte Motors
Police Department #167 1978 Cougar	212.43	Allen County Motors
Police Department #17 1979 Chrysler License Plate MO11117	240.18	Tomkinson Chrysler Plmouth
Police Department #105 1979 Chrysler License Plate 45P3901	1,539.23	Tomkinson Chrysler Plymouth
Police Department 1978 Ford License Plate MO11113	470.30	Allen County Motors
Board of Park Commissioner #60 - Hi-Ranger-Vehicle License Plate M01060	1,078.00	Bohren Transit Systems, Inc.
Police Department #108 Vice and Narcotics Division License Plate 2A9973	611.30	Allen County Motors
EMS Dodge Van '75 Unit 10 License Plate 29218	2,267.09	Poinsatte Motors
TOTAL	\$ 8,416.15	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency for vehicle repair work as set out above, respectively.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-30-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-01-15

ZONING MAP ORDINANCE NO. Z-10-80

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. S-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S14, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to-wit:

Lots 52 and 53 in Delta Heights Addition
to the City of Fort Wayne, Indiana.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: One
Stier

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-10-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-01-16

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort Wayne Zoning Map 127

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 127, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lot #107 and Lot #108 in Waynedale Gardens,
Second Addition, as recorded in Plat Book
#11, pages 36-37, in the office of the Recorder
of Allen County, Indiana.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Date: 3-25-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-01-17

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. J23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. J23, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lot #16 and the North 10 feet of Lot #17
in William Mays Addition, according to
the recorded plat thereof.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schombuarg, Stier
Talarico

Date: 3-25-80

Charles W. Westerman
City Clerk

BILL NO. G-80-03-14

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE AMENDING GENERAL ORDINANCE
G-21-78 SETTING FORTH THE DUTIES OF THE
METROPOLITAN HUMAN RELATIONS COMMISSION

WHEREAS, IC 22-9-1-12.1 (c) (8) authorizes the Metropolitan Human Relations Commission to order payment of actual damages in connection with claims of discrimination practices, and

WHEREAS, the Metropolitan Human Relations Commission furnishes staff attorneys for complaints, and

WHEREAS, fairness and justice require that when the Commission or any hearing officer appointed by the Commission or a court of competent jurisdiction finds that no violation has occurred, the payment of actual damages including attorney fees shall be paid by the Commission, NOW, THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
THAT:

Section 1. General Ordinance No. G2178, Section 5 of Article 3, is amended as follows by adding: xiv) In any action commenced pursuant to this Ordinance, the defendant shall, if the prevailing party is other than the City of Fort Wayne, be allowed reasonable attorney fees, actually incurred, as a part of the costs and the Metropolitan Human Relations Commission shall be liable for payment of said costs and fees.

Section 2. General Ordinance No. G2178, Section 5 of Article 3, as amended, in its entirety, reads as follows:

SECTION 5. Powers and Duties

The Commission shall have the following powers and duties:

- a. All powers that may lawfully be conferred upon the Commission pursuant to the applicable provisions of Indiana Law including the power to:
 - i) Investigate, conciliate and hear complaints;
 - ii) Subpoena and compel the attendance of witnesses or production of pertinent documents and records, and make use of such other discovery techniques as shall be necessary to complete investigations or conduct full hearings as provided for in IC 4-22-1 et seq. and Rule 28 (f) of the Indiana Rules of Trial Procedure.
 - iii) administer oaths;
 - iv) examine witnesses;
 - v) appoint hearing examiners or panels;
 - vi) make findings and recommendations;
 - vii) issue cease and desist orders requiring remedial action;
 - viii) order of payment of actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits;
 - ix) institute actions for appropriate legal or equitable relief in an appropriate court;
 - x) employ an executive director and other staff personnel;
 - xi) adopt rules and regulations;
 - xii) initiate complaints, except that no person who initiates complaints may participate as a member of the agency in the hearing or disposition of the complaint;
 - xiii) conduct programs and activities to carry out the purposes of the Metropolitan Human Relations Commission provided for in the Ordinance within the territorial boundaries of the City of Fort Wayne, Indiana; and
 - xiv) In any action commenced pursuant to this Ordinance, the defendant shall, if the prevailing party is other than the City of Fort Wayne, be allowed reasonable attorney fees, actually incurred, as a part of the costs and the Metropolitan Human Relations Commission shall be liable for payment of said costs and fees.

Donald J. Schmidt
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Three

Burns, D. Schmidt, Schomburg

Nays: Six

Eisbart, GiaQuinta, Nuckols, V. Schmdit, Stier, Talarico

Date: 3-25-80

Charles W. Westerman
City Clerk

BILL NO. S-80-03-11

SPECIAL ORDINANCE NO. S-29-80

AN ORDINANCE approving a contract for Improvement Resolution No. 5858-79, between the City of Fort Wayne, Indiana, and Martin, Inc., Contractor for the demolition of structures and clearance of the site of the Volunteers of America Building located at 1001 Wells Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 27, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Martin, Inc., Contractor, for:

Demolition of structures and clearance of the site of the Volunteers of America Building located at 1001 Wells Street.

under Board of Public Works Improvement Resolution No. 585879, at a total cost of \$21,500.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: ONE
GiaQuinta

Date: 3-25-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-29-80 on the 25th day of March, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-36

RESOLUTION NO. R-31-80

A RESOLUTION COMMENDING THE CHAMBER OF COMMERCE COMMITTEE ON ADVANCE LIFE SUPPORT FOR THEIR EFFORTS TO HELP PROVIDE THE MOST EFFICIENT SYSTEM OF COUNTY-WIDE A.L.S. SERVICE

WHEREAS, there exists a need in Allen County for a coordinated effort to provide Advance Life Support to victims of accidents and health trauma.

WHEREAS, the Fort Wayne Chamber of Commerce is in the process of conducting a study to determine the most efficient method of providing this service.

WHEREAS, in the past the political subdivisions have been unable and sometimes unwilling to concur on a plan for coordinated training and dispatching of this essential emergency care.

WHEREAS, it appears that the Chamber of Commerce study will be likely to yield unbiased and nonpartisan suggestions for the best organizational structure capable of providing Advance Life Support.

NOW THEREOFRE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

That the Fort Wayne City Council recognizes the valuable service being done by the Chamber of Commerce Committee on Advanced Life Support and that this body will give serious consideration to the conclusions reached by said Committee in order to help effecuate the most efficient means of providing Advance Life Support on a County Wide basis

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Esibart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Stier, Schomburg, Talarico
Nays: None

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-31-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-37

RESOLUTION NO. R-32-80

A RESOLUTION SETTING FORTH THE
POLICY OF THE FORT WAYNE COMMON COUNCIL
WITH RESPECT TO THE USE OF RACIAL COMMENTS
OR THE NEGLIGENT USE OF LANGUAGE FROM WHICH
AN INFERENCE OF BIGOTRY IS NATURALLY DERIVED

WHEREA, it is the public policy of this nation and of this city to encourage, wherever possible, a living environment where people are free to live, to learn and to reside together, regardless of race, creed or color, and;

WHEREAS, bigotry, racism and other forms of prejudice have no place within a moral, caring society, and;

WHEREAS, to tolerate such behavior, to sanction it through deed or in silence is inappropriate for individuals and unsuitable for any representative of city government;

THEREFORE, BE IT RESOLVED that the Common Council of the City of Fort Wayne condemns in the strongest terms any use of racial insult by any member of city government, and;

BE IT FURTHER RESOLVED that the statement made by 3rd District Councilman Roy Schomburg, whether as reported in the Fort Wayne News Sentinel or as explained by Mr. Schomburg (in describing the lack of racial tension in a third district neighborhood), deserves this Council's criticism for the inference of prejudice and bigotry that so naturally derived from it.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Three

Burns, D. Schmidt, Schomburg

Date: 3-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-32-80 on the 25th day of March, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-19

SPECIAL ORDINANCE NO. S-30-80

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$825,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED IN THE CITY: AUTHORIZING THE EXECUTION OF A FINANCING AGREEMENT: PROVIDING FOR THE LOAN OF THE PROCEEDS OF THE BONDS TO KEEBLER COMPANY: AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF THE REVENUES FROM SUCH FACILITIES: AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT WITH THE UNDERWRITER OF THE BONDS: AND AUTHORIZING THE TERMS AND SALE OF SAID BONDS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 18-6-4.5, as amended (hereinafter called the "Act"), is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Keebler Company (the "Company") is a corporation duly organized and existing under and by virtue of the laws of Delaware and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the City has agreed to loan the proceeds of its industrial revenue bonds to the Company for the acquisition, construction and equipping of economic development facilities in the City, with the proceeds of its industrial development revenue bonds; and

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of (1) Indenture of Trust (the "Indenture:") dated as of March 1, 1980, between the City of Fort Wayne and Fort Wayne National Bank, in Fort Wayne, Indiana (the "Trustee"), containing a form of industrial development revenue bond, (2) Financing Agreement (the "Agreement") dated as of March 1, 1980, between the City and the Company, (3) Bond Purchase Agreement (the "Bond Purchase Agreement") dated as of March 1, 1980 between the City and the Robinson-Humphrey Company, Inc., as underwriters, and (4) this Bond Ordinance,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the land, building or buildings, equipment and facilities in connection therewith (the "Project") to be acquired, constructed and equipped with the proceeds of the Industrial Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition, construction and equipping of the Project will increase employment opportunities and the diversification of industry in the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new industries in such area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public facilities (as that phrase is defined in the Act) which will be required by the Proeject.

Section 2. Authorization of Industrial Development Revenue Bonds In order to pay a portion of the cost of acquiring, constructing and equipping the Project, there are hereby authorized to be issued, sold and delivered \$825,000 aggregate principal amount of Industrial Development Revenue Bonds (Keebler Company Project), Series 1980 of the City (the "Series 1980 Bonds"). Any additional costs of the Project will be paid for by the Company unless paid for with the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture.

Section 3. Terms for the Series 1980 Bonds The toal principal amount of Series 1980 Bonds that may be issued is hereby expressly limited to \$825,000; provided that the Additional Bonds may be issued upon the terms and conditions and for the purposes provided in the Indenture and in the Agreement.

* * *

The Series 1980 Bonds shall be issuable in coupon form registrable as to principal only in the denomination of \$500 each or in fully registered form in the denomination of \$500 or any integral mutiple thereof, shall bear interest until paid at the rate of 8 5/8% per annum payable March 1 and September 1 of each year beginning September 1, 1980, and shall mature on March 1, 2005. Each Series 1980 Bond authenticated prior to September 1, 1980, shall be dated March 1, 1980; otherwise, each Series 1980 Bond shall be dated as of the interest payment date to which interest has been paid next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which case it shall be dated as of such date. Principal and interest and premium, if any, shall be payable at the principal office of the Trustee in Fort Wayne, Indiana (execpt as otherwise provided in the Indenture).

The Series 1980 Bonds shall be initially issued as a single fully-registered Bond in the denomination of \$825,000 number R-1 and shall be executed on behalf of the City by its Mayor with his manual signature and attested by the manual signature of the City Clerk, and the corporate seal of the City shall be impressed thereon.

The Bonds are subject to mandatory sinking fund redemption on March 1 of each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>
1996	\$ 25,000
1997	25,000
1998	25,000
1999	50,000
2000	50,000
2001	62,500
2002	87,500
2003	100,000
2004	200,000
2005	200,000

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The Series 1980 Bonds shall be executed, shall be in such form, shall have such redemption provisions, and shall be subject to such other terms and conditions as set forth in the Indenture. The Series 1980 Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but are limited obligations of the City payable solely from revenues and other amounts derived from the Agreement and shall be secured as provided in the Indenture. Forms of the Agreement and Indenture are before this meeting and are by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 4. Sale of the Series 1980 Bonds. The Mayor and City Clerk of the City are hereby authorized and directed to sell the Series 1980 Bonds to or upon the order of The Robinson-Humphrey Company, Inc. (the "Underwriter") at a price of 98.5275% of principal, plus accrued interest to the date of delivery and payment. The form of Bond Purchase Agreement providing the terms and conditions of the sale of the Series 1980 Bonds is before this meeting and is by reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert it into the minutes of the Common Council and to keep it on file.

Section 5. Indenture. In order to secure the payment of principal of and interest on the Series 1980 Bonds, the Mayor and City Clerk shall execute, acknowledge and deliver, in the name of and on behalf of the City, an Indenture of Trust in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 6. Agreement. In order to provide for the use of the proceeds of the Series 1980 Bonds to acquire and construct the Project and the payment by the Company of an amount sufficient to pay the principal of and premium, if any, and interest on the Series 1980 Bonds, the Mayor and the City Clerk shall execute, acknowledge and deliver in the name and on behalf of the City an Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 7 General. The Mayor and City Clerk be and they are each hereby authorized and directed, in the name and on behalf of the City, to execute any and all instruments, perform and all acts, approve any and all matters, and do any and all things deemed by them, or either of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and improvement of the Project by the Company, the issuance and the sale of the Series 1980 Bonds, securing the Series 1980 Bonds under the Indenture and the underwriting of the Series 1980 Bonds by the Underwriter.

Section 8. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-30-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-20

SPECIAL ORDINANCE NO. S-31-80

AN ORDINANCE authorizing the issuance and sale of \$800,000 First Mortgage Revenue Bonds, Series 1980, (Gridcraft, Inc. Project) of the City of Fort Wayne, Indiana, and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has developed and filed with the Plan Commission of the County of Allen a "Report of Fort Wayne Economic Development Commission Regarding Facilities To Be Constructed for Gridcraft, Inc." and the City Clerk has presented the same to the Common Council; and

WHEREAS, the Allen County Plan Commission has filed its written comments concerning said proposed plan and approving the same; and

WHEREAS, pursuant to I.C. 1971, 18-6-4.5-15 the County of Allen, Indiana has consented to the proposed financing by the City; and

WHEREAS, it is in the best interest of the City of Fort Wayne and the economic development thereof, that said Report be approved and that the acquisition and construction of the economic development facilities mentioned in said report be implemented; and

WHEREAS, the Fort Wayne Economic Development Commission adopted a resolution on March 18, 1980, approving the financing of said economic development facilities as described in said Report to be financed by the issuance and sale of revenue bonds of the City of Fort Wayne and approving the Loan Agreement and Mortgage and Indenture of Trust, and finding that the proposed financing complies with the purposes and provision of I.C. 1971, 18-6-4.5-1, 18-6-4.5-29 and

WHEREAS, said Resolution was presented to the City Clerk for presentation to the Common Council of the City of Fort Wayne and was so presented;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The above mentioned Report of the Fort Wayne Economic Development Commission together with the comments thereon by the Allen County Plan Commission be accepted and ordered filed.

SECTION 2. That the Common Council of the City of Fort Wayne gives its approval of the project reported on in the above-mentioned Report of the Fort Wayne Economic Development Commission

SECTION 3. The financing of the acquisition and construction of the economic development facilities by the issuance and sale of First Mortgage Bonds of the City of Fort Wayne and the equipping of such facilities as approved by the Fort Wayne Economic Development Commission and presented to the Common Council will be of benefit to the health and welfare of the City of Fort Wayne.

SECTION 4. The form of the Loan Agreement and the Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and such documents collectively shall be considered the "Financing Agreements" referred to in I.C. 1971, 18-6-4.5. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

SECTION 5. The City of Fort Wayne shall issue its Economic Development First Mortgage Bonds (Gridcraft, Inc.) in the total principal amount of Eight Hundred Thousand Dollars (\$800,000) for the purpose of providing funds to acquire and construct and equip the project (all as more particularly

set out in the Loan Agreement and mortgage and Indenture of Trust) which bonds will be payable as to principal, premium, if any and the interest primarily from payments by Gridcraft, Inc. pursuant to the provisions of the Loan Agreement and Mortgage and Indenture of Trust. The Bond and the interest thereon shall never constitute a charge against the general credit or taxing power of the City.

SECTION 6. The Mayor and the City Clerk are authorized and directed to negotiate the sale of such bonds at a rate of interest not to exceed 9.5% per annum at a price of 100% of principal amount.

SECTION 7. The Mayor and the City Clerk are authorized and directed to execute the documents approved herein on behalf of the City of Fort Wayne and any other documents which may be necessary or desirable to complete the transaction including the bond authorized herein. The signature of the Mayor and City Clerk on the bond and coupons may be facsimile signatures. The City Clerk of the City of Fort Wayne is authorized to deliver such bonds to the Trustee named on the Mortgage and Indenture of Trust for delivery to the purchasers therefor, payment for which shall be made to the Trustee named in the Mortgage and Indenture of Trust.

SECTION 8. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing such bonds shall constitute a contract binding between the City of Fort Wayne Economic Development First Mortgage Revenue Bonds, Series 1980 (Gridcraft, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remain unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance on the 8th day of April, 1980. No. S-31-80

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-21

SPECIAL ORDINANCE NO S-32-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS, SERIES 1980 (HAGERMAN
CONSTRUCTION CORPORATION PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Hagerman Construction Corporation Project regarding the financing of proposed economic development facilities for Hagerman Construction Corporation and the Fort Wayne Planning Commission has commented favorably thereon; and,

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 13, 1980 and also adopted a resolution on March 13, 1980, which Resolution has been transmitted hereto, finding that the finance of certain economic development facilities of Hagerman Construction Corporation complies with the purposes and provision of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA
THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Hagerman Construction Corporation for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Hagerman Construction Corporation under the Loan Agreement and Note, and the securing of said bonds by the mortgage of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Note, and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Hagerman Construction Corporation Project), in the total principal amount of Five Hundred Thousand Dollars (\$500,000) for the purpose of procuring funds to pay the cost of construction of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable to principal, premium, if any and interest from the note payments made by Hagerman Construction Corporation under the Loan Agreement and Note or as otherwise provided in the above-described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Hagerman Construction Corporation Project) and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds

or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-32-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-16

RESOLUTION NO. R-33-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$835,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company, and

WHEREAS, AUTOMOTIVE & INDUSTRIAL SUPPLY CO., INC., an Indiana corporation ("Corporation") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that they propose that the Issuer acquire, construct and equip an economic development facility and sell the same to the applicant Corporation or loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be one 6,300 square foot new building, one 6,000 square foot new building, paved parking lots, landscaping, outdoor signs and site improvements on a 4.02 acre site at 3721 Coliseum Boulevard, Fort Wayne, Indiana (within the City limits) for sale of automotive supplies and equipment ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (25 new jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advise of the Fort Wayne Economic Development Commission

, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$835,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and Issuer will sell to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-33-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-22

RESOLUTION NO. R-34-80

A RESOLUTION finding, determining, ratifying and confirming an inducement resolution of the Fort Wayne Economic Development Commission relating to the issuance and sale of up to \$2,000,000 economic development revenue bonds of the City of Fort Wayne, Indiana, for the purpose of inducing Ryder Truck Lines, Inc. to proceed with the acquisition, construction and equipping of a freight terminal facility; determining to issue economic development revenue bonds, approving Preliminary Agreement; and designating costs which may be financed.

WHEREAS, the City of Fort Wayne, Indiana ("Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Ryder Truck Lines, Inc., a Florida corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer issue its economic development revenue bonds in order to finance the cost of acquiring, constructing, equipping an economic development facility and sell or lease the same to the Applicant, said economic development facility to be a freight terminal operated by the Applicant's Helm's Express Division having a total developed area of approximately 500,000 square feet, including 15.03 acre tract of land located on Coliseum Boulevard West in Washington Township on which the freight terminal is to be located, all as more fully described in Exhibit A to the Preliminary Agreement hereinafter mentioned (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (100-125 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the Common Council having received the advice of the Fort Wayne Economic Development Commission, including copies of the inducement resolution adopted by the Commission on February 21, 1980, the report of public services prepared by the Commission with respect to the Project, and the comments thereon by the Fort Wayne Community Schools and the Allen County Plans Commission it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

WHEREAS, there has been presented to the Common Council a proposed form of Preliminary

Agreement between the Applicant and the City (the "Preliminary Agreement") with respect to the acquisition, construction and equipping of the Project by the Applicant for the Issuer and the financing of costs thereof by the Issuer; and

WHEREAS, as contemplated by the Preliminary Agreement, the Applicant is willing to advance the sums necessary to pay the costs of the Project until financing by the Issuer can be accomplished,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms the determination of the Commission that the issuance and sale of economic development revenue bonds of the Issuer, in an amount not exceeding \$2,000,000, for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; provided, however, that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and provided further that the County Council of Allen County consents thereto.

4. The Preliminary Agreement submitted to the Common Council of the City of Fort Wayne, a copy of which shall be marked for identification and filed with the minutes of the meeting at which this resolution is adopted, is hereby approved, and the Mayor is hereby authorized and directed to execute and deliver the same in substantially the form hereby approved with such changes, insertions, deletions and omissions as may be approved by him, the execution and delivery of said Preliminary Agreement by the Mayor being conclusive evidence of such approval; and the City Clerk is hereby authorized and directed to affix the seal of the Issuer to the Preliminary Agreement and attest the same.

5. All costs of the Project permitted to be financed under the Act including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project may be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-34-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-23

RESOLUTION NO. R- 35- 80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,250,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project and to also induce the Users of the Projects to acquire the Projects.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the proceeds of such revenue bond issues to be used for the acquisition, construction and equipping of said facilities which may be sold or leased to persons or entities, or for loaning the proceeds of revenue bonds for the acquisition, constructing and equipping such facilities; and

WHEREAS, Realamerica Homes, Inc. (the "Applicant") has proposed that the issuer consider issuing revenue bonds in several series (the "Bonds"), the proceeds of which will be borrowed by persons or entities (the "Users") to provide the permanent financing of several small office buildings and related fixtures and equipment (the "Projects"); and

WHEREAS, it is anticipated that each of the Users will acquire separate interests in the Projects; the Projects will be located at 3102 through 3348 Mallard Cove Lane, Fort Wayne, Indiana, and will be used for a variety of purposes all of which will be consistent with the Act; and

WHEREAS, the Users of the Projects will guarantee all bond payments; and

WHEREAS, the provision of financing for the Projects will assist in the diversification of industry and increase in job opportunities (97 new jobs), resulting in a payroll increase of \$1,458,000 annually, and will therefore be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of Fort Wayne Economic Development Commission,

it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Projects will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,250,000 of the Issuer under the Act for the acquisition of the Projects and the sale or leasing of the Projects to the Users thereof or lending the proceeds of the sale of the Bonds to the Users thereof will serve the public purposes referred to above, all in accordance with the Act, provided that Users remain primarily liable for the payment of any bonds issued unless or until otherwise authorized by the Fort Wayne Economic Development Commission and the Common Council.

3. In order to incude the Applicant to proceed with the acquisition, construction and equipping of the Projects, and to also induce the Users of the Projects to acquire the Projects, Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the Projects; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Projects incurred after the passage of this inducement resolution, including any payments made in connection thereof by the Users of the Projects, interest paid during construction, underwriting expenses, attorney and bond counsel fees, and the acquisition of the Projects will be permitted to be included as part of one of the bond issues to finance the related Projects, and the Issuer will thereafter either sell or lease the same to the Users or loan the proceeds of such financing to the Users for the acquisition of the Projects.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-35-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, ast the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-06

RESOLUTION NO. R-36-80

A RESOLUTION authorizing payments for repairs to certain damaged vehicles owned by the City of Fort Wayne, Indiana

WHEREAS, (1) the following city vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received ifrom the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INS. PAYMENT</u>	<u>REPAIR AGENCY</u>
Parks & Recreation Department Vehicle #40 1971 Loadstar 1600 License Plate #M010140	\$182.96	Auto Rebuilding Co.
EMS Vehicle 1979 Chev. License Plate #M019592	693.40	Mark's Body Shop
	<hr/>	
TOTAL	\$876.36	

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency for vehicle repair work as set out above, respectively.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-36-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, ast the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-09-06

ZONING MAP ORDINANCE NO. Z-11-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a PERFECT TO AN "R3" District under the terms of Chapter 33, Municipal Code of tFort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R3, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot 116,117, 118, 119 and 120 in Eastwood Addition
to the City of Fort Wayne

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-11-80 on the 8th day of April, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, ast the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-03

ZONING MAP ORDINANCE NO. Z-12-80

AN Ordinance amending the City of
Fort Wayne Zoning Map No. M-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. M-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1 thru 12, 16 thru 34, 47 thru 57 in South Calhoun Street Addition, Lots 21 thru 31 in East Wildwood Addition, Lots 4 thru 6 in East Wildwood Extended Addition; and Lot 55 in Bass 6th Addition and also the Williams Park area.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-12-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-04

ZONING MAP ORDINANCE NO. Z-13-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1 thru 14 and 59 thru 72 in Pfeiffer
Place Addition; Lots 12 thru 16 and 35 thru 54 and 57 thru 66 in Beck's Addition; Lots
1 thru 4 in Putnam Place Addition; and Lots 1 thru 12 in Bittinger's Addition

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-13-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-32

ZONING MAP ORDINANCE NO. Z-14-80

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. K-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K10, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

Lot #5, except the North 42 feet of the East 7.0
feet, and all of Lot #6 and Lot #7 in Bass and
Hough's Addition.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmdit, Schomburg,
Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-14-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-05

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. N-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B-1-A - Limited Business District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map N-3, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot #11 and 10 feet off South side of Lot #8 in P. Moran's Subdivision of Hanna Outlots 18 and 19, commonly known as 2416 Weisser Park Fort Wayne, IN; and, Lot #14 in P. Moran's Subdivision and the North one-half of vacated alley adjacent to Lot #14 in P. Moran's Subdivision, commonly known as 2412 Weisser Park Fort Wayne, IN

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Date: 4-8--80

Charles W. Westerman
City Clerk

BILL NO. G-79-11-23

GENERAL ORDINANCE NO. G-07-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Johnson Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

That portion of Johnson Street East of Catalpa Avenue
to the Junk Ditch.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Gneral Ordinance No. G-07-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, ast the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-11-24

GENERAL ORDINANCE NO. G-08-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Bright Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

That portion of Bright Street east of Lot 496 in
Commercial Addition, lying between Lots 496, 495,
494 and 493.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-08-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-30

SPECIAL ORDINANCE NO. S-33-80

AN ORDINANCE approving a contract for
Street Light Resolution No. 138-79,
between the City of Fort Wayne, Indiana
and T & F Construction Corporation for
installation of street lighting with
underground wiring

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated March 13, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation, for:

the installation of street lighting with under
ground wiring on Schaper Drive, from Maple Grove
Avenue to Woodsdale

under Board of Public Works Street Light Resolution No. 13879, at a total cost of \$10,628.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-33-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-31

SPECIAL ORDINANCE NO. S-34-80

N ORDINANCE approving Change Order No. 2,
Contract No. 77-W-3, St. Joseph Dam and
Pump Station Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Contract No. 77W3 St. Joseph Dam and Pump Station Addition to Shambaugh & Sons, Contractor, for:

work for extra shotcrete and handrail
removal work for building support

in the amount of \$46,055.90 as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Abstained: One
Eisbart

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-34-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-28

SPECIAL ORDINANCE NO. S-35-80

AN ORDINANCE approving an Agreement
between the City of Fort Wayne, Indiana,
and Sewage Utilities of Indiana, Inc. (Pine Valley)
for the treatment of sewage material

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated March 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Sewage Utilities of Indiana, Inc. for:

the treatment of sewage material from
Sewage Utilities of Indiana, Inc.
through connection with the Fort Wayne
Sewer System

of which the Sewage Utilities of Indiana, Inc. shall pay the entire cost and expense, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-35-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-29

SPECIAL ORDINANCE NO. S-36-80

AN ORDINANCE approving a contract for
Water Contract #8001, between the City
of Fort Wayne, Indiana and John Hartman
Investment Corporation for construction
of water main system

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated March 13, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and John Hartman Investment Corporation, for:

the construction of a water main system to serve Harris Road, from an existing 16" water main on the South side of U.S. 30 Bypass, southward 1000 \pm feet of 12" water main to the south right of way line of Versailles Village Place; on north Schomburg Drive, from Harris Road, westward 30 \pm feet of 8" water main

under Board of Public Works Water Contract #8001, at a total cost of \$7,148.54, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-36-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-32

SPECIAL ORDINANCE NO. S-37-80

AN ORDINANCE approving an Agreement
between the City of Fort Wayne, Indiana,
and Diversified Utilities, Inc. for the
treatment of sewage material (Aboite Twp)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated March 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Diversified Utilities, Inc., for:

the treatment of sewage material from
Diversified Utilities through connection
with the Fort Wayne Sewer System

of which the Diversified Utilities shall pay the entire cost and expense, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-37-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-33

SPECIAL ORDINANCE NO. S-38-80

AN ORDINANCE approving an Agreement
between the City of Fort Wayne, Indiana,
and Clearwater Utilities, Inc., for the
treatment of sewage material

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated March 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Clearwater Utilities, Inc., for:

the treatment of sewage material from
Clearwater through connection with the
Fort Wayne Sewer System

of which the Clearwater shall pay the entire cost and expense, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-38-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-34

SPECIAL ORDINANCE NO. S-39-80

AN ORDINANCE approving an Agreement
between the City of Fort Wayne, Indiana,
and Diversified Utilities, Inc. for the
(Lake River Estates) treatment of sewage material

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated March 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Clearwater Utilities, Inc., for:

the treatment of sewage material from
Clearwater through connection with
the Fort Wayne Sewer System

of which the Clearwater shall pay the entire cost and expense, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-39-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-03-35

SPECIAL ORDINANCE NO. S-40-80

AN ORDINANCE approving an Agreement between the City of Fort Wayne, Indiana, and Diversified Utilities, Inc. for the treatment of sewage material (Maysville Road Pumping Station)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated March 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Diversified Utilities, Inc., for:

the treatment of sewage material from
Diversified Utilities through connection
with the Fort Wayne Sewer System

of which the Diversified Utilities shall pay the entire cost and expense, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-8--80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-40-80 on the 8th day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of April, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-02

SPECIAL ORDINANCE NO. S-41-80

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1980
(RICHARD R. WEINGART AND JUDITH A. WEINGART
PROJECT)" AND APPROVING OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Richard R. Weingart and Judith A. Weingart Project regarding the financing of proposed economic development facilities for Weingart Incorporated and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on April 2, 1980, and also adopted a resolution on April 2, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Weingart Incorporated complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Series 1980, Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to Richard R. Weingart and Judith A. Weingart for the acquisition and construction of such facilities and the equipping thereof, the payment of said series of revenue bonds by the rent payments of Weingart Incorporated under the Loan Agreement and Series 1980 Note, the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, Series 1980 (Richard R. Weingart and Judith A. Weingart Project), in the total principal amount of Four Hundred Thousand Dollars (\$400,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made Weingart Incorporated, under the Loan Agreement, and the Series 1980 Note, or as otherwise provided in the above-described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the underwriters at a rate of interest on the bonds not to exceed 9% per annum and at a price not less than 97% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1980 (Richard R. Weingart and Judith A. Weingart Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 4-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-41-80 on the 22nd day of April, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-03

SPECIAL ORDINANCE NO. S-42-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (PINES OF AMERICA, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Pines of America, Inc. Project regarding the financing of proposed economic development facilities for Pines of America, Inc. and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on April 2, 1980, and also adopted a resolution on April 2, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Pines of America, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to Pines of America, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of said series of revenue bonds by Pines of America, Inc. under the Loan Agreement of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I. C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, Series 1980 (Pines of America, Inc. Project), in the total principal amount of Eight Hundred Ninety Thousand Dollars (\$890,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Pines of America, Inc., under the Loan Agreement, and the Series 1980 Note, or as otherwise provided in the above-described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the underwriters at a rate of interest on the bonds not to exceed _____% per annum and at a price not less than 97% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1980 (Pines of America, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any

respect which would adversely affect the rights of such holders so long as any of said bonds or the interest hereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, esbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-42-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-03-38

RESOLUTION NO. R-37-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$9,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "City") is authorized by I.C. 1971, 18-6-4.5 (the "Act") to issue economic development revenue notes or bonds for the financing of economic development facilities, the funds from said financing to be used either for the acquisition, construction and equipping of said facilities for lease to other persons or for the making of loans to corporations or persons who will undertake such acquisition, construction and equipment from the proceeds of such loans; and

WHEREAS, Brighton Meadows, (the "Company") has advised the City that it proposes either to lease from the City or to acquire, construct and equip an economic development facility with the proceeds of a loan it requests the City to grant, said economic development facility to consist of 248 unit multifamily apartment complex to be located on the east side of Getz Road between Illinois Road and U.S. Highway 24 and adjacent to Constitution Drive in the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the Company has further advised the City that a dermination by the City

to issue its revenue notes in an amount not to exceed Nine Million Dollars (\$9,000,000.00) under the Act to finance the acquisition, construction and equipment of the Project (under contractual arrangements whereby the Company would either (i) make payments sufficient to pay the principal of, premium, if any, and interest on such notes or (ii) would make Lease payments to the City sufficient to pay such principal, premium and interest) will constitute a substantial inducement to the Company to proceed with negotiations for the construction and equipment of the Project and the Company will agree to pay or reimburse the costs of the City whether or not such notes are issued; and

WHEREAS, the Company is an Indiana Limited Partnership with Lewis Rothbard and Donald E. Hedrick as general partners and PAC Financial Corporation as limited partner; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission it would appear that the financing of the Project will increase employment opportunities and will be of benefit to the health and welfare of the City and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse competitive effect on any similar facility already constructed in operating in or about the City, and

WHEREAS, issuance of such notes will not require any expenditure of the funds of the City; and

WHEREAS, a form of Agreement between the City and the Company with respect to the proposed Project has been presented to the Common Council, and

WHEREAS, subject to all required actions and approvals under the Act, the City intends to use its best efforts to cooperate with the Company by issuing the City's economic development revenue notes to finance the Project; now therefore

BE IT ORDAINED by the Common Council of the City of Fort Wayne Indiana, that:

1. The Common Council finds and determines that the issuance and sale of revenue notes of the City under the Act in an amount not to exceed Nine Million Dollars (\$9,000,000.00) and the use of the proceeds derived therefrom to finance the acquisition, construction and equipment of the Project, and the expenses incidental thereto, complies with the purposes and provision of I.C. 1971, 18-6-4.5 (the "Act") ,will increase employment opportunities, will be of benefit to the health and welfare of the City and its citizens, and that the Project will be an "Economic Development Facility" within the meaning of that term as defined in the Act.

2. In order to induce the Company to proceed with the construction and equipping of the Project, the Common Council hereby determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be authorized by law and is mutually acceptable to the City and the Company, and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development notes in an amount not to exceed Nine Million Dollars (\$9,000,000.00) subject to the City obtaining all approvals as may be required under the Act, including the advice of the Fort Wayne Economic Development Commission.

3. The Mayor is hereby authorized to execute, and the Clerk is hereby authorized to attest, an Agreement with the Company in substantially the form of such agreement as was presented to this meeting or with such changes therein shall be approved by the officials executing the same.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, , D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Eisbart
Abstained: One
Nuckols
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-38-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of May 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr. /RA
Mayor

BILL NO. R-80-04-04

RESOLUTION NO. R-38-80

INDUCEMENT RESOLUTION relating to the
financing of Economic Development facilities
for Dayton-Hudson Corporation

WHEREAS, at the present time there are insufficient employment opportunities and insufficient diversification of business, commerce and industry in and near the City of Fort Wayne, Indiana (the "City"); and

WHEREAS, the economic welfare of the City would be benefitted by the acquisition and construction of economic development facilities pursuant to the provisions of Indiana Code 18-6-4.5 (the "Act"); and

WHEREAS, Dayton-Hudson Corporation (the "Company"), proposes to acquire and construct economic development facilities as defined in the Act if the City will finance costs of such economic development facilities pursuant to the Act; and

WHEREAS, the Fort Wayne Economic Development Commission has adopted a resolution making certain findings with respect to such proposed economic development facilities (the "Project"), and has forwarded such resolution to this Common Council;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, RESOLVES AS FOLLOWS:

SECTION 1. The Project constitutes economic development facilities which may be financed by the City through the issuance of revenue bonds pursuant to the act, and the City is willing upon compliance with all provisions of Indiana law to authorize the issuance of its revenue bonds in an amount of not to exceed \$10,000,000 which bonds will not be general obligations of the City but will be payable solely from the limited sources authorized and permitted by the Act.

SECTION 2. The proposed financing will be of benefit to the economic welfare of the City and will comply with the purposes and provisions of the Act.

SECTION 3. The Company may proceed with acquisition and construction of the economic development facilities in reliance upon this resolution.

SECTION 4. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 GiaQuinta

Date: 4-22-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-38-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
 City Clerk

Vivian G. Schmidt
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-80-04-05

RESOLUTION NO. R-39-80

A RESOLUTION authorizing the filing of an
 application for Urban Development Action
 Grant funds for the Civic Center Hotel Project

WHEREAS, the overall economic development plan has been developed for Allen County by an economic development task force, and

WHEREAS, the overall economic development plan identifies the importance of revitalizing downtown Fort Wayne, and

WHEREAS, the City's Community Development Plan also identifies the needs to revitalize the downtown area, and

WHEREAS, the Housing and Urban Development Act of 1977 makes available Urban Development Action Grants to certain cities for economic revitalization, and

WHEREAS, the City of Fort Wayne has been found eligible by the Department of Housing and Urban Development to apply for such an Urban Development Action Grant, and

WHEREAS, it has been determined that the construction of a hotel in the Civic Center Urban Renewal Project will aid in the revitalization of the downtown area, and

WHEREAS, of the cost of such hotel, up to \$4,000,000, can be funded by a grant as aforesaid, if properly and duly applied for.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1.

That an application for
 Urban Development Action
 Grant funds in the amount
 of up to \$4,000,000, to be

used for a portion of the construction costs of a hotel in the Civic Center Urban Renewal Project, is hereby approved.

SECTION 2.

That the Mayor is hereby authorized to execute and submit said application to the Department of Housing and Urban Development

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Eisbart, Nuckols, D. Schmidt, V. Schmdit, Schomburg, Stier, Talarico

Nays: None

Abstained One

Burns

absent: One

GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-39-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-20

RESOLUTION NO. R-40-80

A RESOLUTION authorizing payment to various agencies for the purchase of repair parts

WHEREAS, (1) damage has occurred to various items of property under the jurisdiction of the Traffic Engineer, which, therefore, require repair; (2) insurance monies in reimbursement for such damage have been received and receipted by the City Controller in the amounts hereafter listed; and (3) repair bids for the parts damaged have been received from the following companies:

<u>ITEM</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Vehicle Repair Parts	\$1,320.00	Signal Engineering Co. South

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies for repair parts as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-40-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-21

RESOLUTION NO. R-41-80

A RESOLUTION authorizing payment for repair to certain damaged vehicle owned by the City of Fort Wayne, Indiana

WHEREAS, (1) the following city vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, towit:

<u>VEHICLE</u>	<u>INS. PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department -Plate #42 1978 Fort LTD II Number MO 11142	\$267.87	Allen County Motors

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency for vehicle repair work as set out above, respectively.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-41-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-78-11-23 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-15-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. I-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M2 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. I22, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to wit:

The West 1/2 of the Southeast 1/4 of Section 28, Township 31 North, Range 12 East, containing 80 acers, more or less;

The East 1/2 of the Southwest 1/4 of Section 28, Township 31 North, Range 12 East in Allen County, Indiana, containing 80 acres, more or less;

The South 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 28, Township 31 North, Range 12 East, containing 19.887 acres, more or less,

The East 330.0 feet of the West 1320.0 feet of the North Half of the Southwest Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of the Northwest Quarter all in Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the North line of the Southeast Quarter of said Northwest Quarter at a point situated 990.0 feet, N90°-00' E (adjoiner deed bearing and is used as the basis for the bearings in this description) of the Northwest corner thereof; thence N 90°-00' E, on and along said North line, established by monuments found, 317.1 feet to the Northeast corner of the Southeast Quarter of said Northwest Quarter; thence S 89°-45' E, on and along the North line of the Southwest Quarter of said Northeast Quarter, established by an existing line fence and survey monuments found, 12.9 feet; thence S 00°-25' W and parallel to the West line of the Southeast Quarter of said Northwest Quarter, 661.2 feet to the South line of the North Half of the Southwest Quarter of said Northeast Quarter; thence N 89°-46' W, on and along the South line of said North Half,

established by survey monuments found, 9.4 feet to the Southwest corner of said North Half; thence N89°-57' W, on and along the South line of the North Half of the Southeast Quarter of said Northwest Quarter, established by survey monuments found, 320.6 feet; thence N 00°-25' E and parallel to the West line of the Southeast Quarter of said Northwest Quarter, 661.0 feet to the point of beginning, excepting therefrom the Northerly 25.0 feet for Burma Road rightofway and containing, after said exception, 4.836 acres of land;

The South 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 28, Township 31 North, Range 12 East, containing approximately 19.839 acres, more or less.

Except therefrom the south 660 feet of the east 1/2 of the southwest quarter of section 28, and the south 660 feet of the west 1/2 of the southeast quarter of Section 28, Township 31 north, range 12 east, Allen County, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Burns, Nuckols, D. Schmidt, Schomubrg, Talarico
Nays: Three
Eisbart, V. Schmidt, Stier
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-15-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of May, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-21

ZONING MAP ORDINANCE NO. Z- 16-80
AN ORDINANCE amending Chapter 33 of the Code
of the City of Fort Wayne, Indiana 1974.

Be It Ordained by the Common Council of the City of Fort Wayne,
Indiana:

SECTION 1. That Chapter 33 of the Code of the City of Fort Wayne,
Indiana, 1974 be amended to read as follows: Section 33-3 Definitions.
The following terms, unless a contrary meaning is required by the context
or specifically otherwise prescribed, shall have the following meanings:

(A) Accessory Building and Use

(1) A building or use subordinate to another structure or
use located on the same lot and which does not change or alter the character
of the premises.

(2) Public utility communication, electric, gas, water and
sewer lines, their supports and incidental equipment.

(3) Where a substantial part of the wall of an accessory
building is part of the wall of the main building or where an accessory
building is attached to the main building in a substantial manner as by a
roof, such accessory building shall be counted as part of the main building.

(B) Accessory Living Quarters - Living quarters within an
accessory building for the sole use of persons employed on the premises;
such quarters having no kitchen facilities and not rented or otherwise used
as a separate dwelling.

(C) Alley - A right-of-way other than a street, road, crosswalk
or easement, designed for the special accommodation of the property it
reaches.

(D) Block Face - The side of two city blocks that face a common
street.

(E) Block Group - A block group is a combination of contiguous
blocks having a combined average population of about 1,000. Block groups
are approximately equal in area (discounting parks, cemeteries, railroads,
yards, industrial plants, rural areas, etc.); they are subdivisions of
census tracts which simplify numbering and data control. Each block is
identified by the first digit of the three-digit block number. Block
group "1" will contain any block in range 101-199, block group "2" in
range 201-299, etc.

(F) Board - the Board of Zoning Appeals of the City of Fort
Wayne.

(G) Building - A structure having a roof supported by columns
or walls designed, built or used for the enclosure, shelter or protection
of persons, animals, chattels or property.

(H) Building, Detached - A building having no structural connec-
tion with another building.

(I) Building, Height of - The vertical distance measured from
the adjoining street centerline grade at a point opposite of the center of
the principal frontage of the building to the highest point of ceiling of
the top story in the case of a flat roof; to the deck line of a mansard
roof; and to the mean heights level between the eaves and ridge of a gable,
hop or gambrel roof. Where the buildings are set back from the street line,
the heights of the building may be measured from the average elevation of
the finished lot grade at the front of the building.

(J) Building Line - The line nearest the front of and across
a lot establishing the minimum open space to be provided between the front
line of a building or structure and the street right-of-way line.

(K) Building, Main - A building constituting the principal
use of a lot.

(L) Building, Nonconforming - A legally existing building
which fails to comply with the regulations set forth in this chapter
applicable to the district in which such building is located.

(M) Building, Semi-Detached - A main building having one wall
in common with an adjacent main building.

(N) Camp Ground - Any area or tract of land used or rented for
occupancy by campers using tents for periods not to exceed two weeks.

(O) Cemetery - Land used for the burial of the dead and dedicated
for cemetery purposes, including columbariums, crematories, mausoleums
and mortuaries when operated in conjunction with and within the boundary
of such cemetery.

(P) Certificate of Occupancy - A certificate issued by the
Zoning Enforcement Officer stating that the occupancy and use of land or
a building or structure referred to therein complies with the provisions
of this chapter.

(Q) Clinic or Medical Health Center - An establishment where
patients are admitted for special study and treatment by two or more
licensed physicians and their professional associates, practicing
medicine together.

(R) Commission - The Fort Wayne City Plan Commission.

(S) Day Care - Means the care, supervision and guidance of a
child, not related to the operator by blood or marriage, on a regular
basis, for periods of less than 24 hours per day, in a place other than
the child's own home.

(T) Day Care Home - Means a day care home serving six (6) or
fewer children with one operator and ten (10) children with an assistant.
The children in the home, not related to the operator by blood or
marriage, at any one time shall not exceed the number approved by this
definition. The day care home operator shall hold a valid Day Care Home
License from the Indiana Department of Public Welfare for Day Care Home
Operator in Allen County, Indiana.

(U) District or Zone - A section of the territorial juris-
dictional area of the Fort Wayne City Plan Commission for which uniform
regulations governing the use, heights, area, size and intensity of use of
buildings and land, and open spaces about buildings are established by this
chapter.

28 (V) Dwelling - A building or portion thereof, used primarily
as a place of abode for one or more human beings, but not including
hotels, lodging or boarding houses or tourist homes.

29 (W) Dwelling, Multiple Family - A building or portion
thereof used for occupancy by two, three or more families living independ-
30 ently of each other.
31

1 (X) Dwelling, One Family - A building used for occupancy by one
family.

2 (Y) Dwelling, Two Family - A building used for occupancy by two
3 families living independently of each other.

4 (Z) Dwelling Unit - A dwelling or a portion of a dwelling or of
an apartment hotel used by one family for cooking, living and sleeping
5 purposes.

6 (AA) Educational Institution - Public, parochial, charitable or
non-profit junior college, college or university, other than trade or
7 business schools, including instructional and recreational uses, with or
without living quarters, dining rooms, restaurants, heating plants and
8 other incidental facilities for students, teachers and employees.

9 (BB) Extended Group Home - A facility located in a residential
community providing shelter and/or rehabilitation for from seven (7) to
10 fourteen (14) children under the age of eighteen (18) years, referred by
a governmental body or duly licensed social service agency, who for
11 various reasons cannot reside in their family home. Twenty-four hour
adult supervision is mandatory and professional supervision and consultation
12 is available to both child care staff and children. The purpose of this
type of facility is to provide a service for the child who does not need
13 the structure of an institution in that he/she does not present a threat
to the community, yet is not a foster home candidate. The goal of the
14 service is to return home, other placement or emancipation, depending
upon the age of the child and the circumstances of his/her family.

15 (CC) Family - One or more persons living as a single house-
keeping unit, as distinguished from a group occupying a hotel, club, nurses
16 home, fraternity or sorority house. A family shall be deemed to include
servants.
17

18 (DD) Garage, Private - A detached accessory building or a
portion of a main building, used for the storage of self-propelled vehicles
19 where the capacity does not exceed three vehicles, or not more than one and
one-half vehicles per family housed in the building to which such garage is
20 accessory, whichever is the greater.

21 (EE) Garage, Public - Any building or structure other than a
private garage, and which is used for storage, repair, rental, greasing,
22 washing, servicing, adjusting or equipping of automobiles or other motor
vehicles.

23 (FF) Half-Way House - A resident facility for sixteen (16) or
24 less persons eighteen (18) years of age or older, referred by a governmental
body or duly licensed social service agency, which provides short-term
25 rehabilitative services in a transitional environment, to persons who
are physically, emotionally or socially handicapped. The goal of the
26 service is to aid the individual's successful re-entry into the community
as an independent and a productive member.

27 (GG) Home Occupation - Any use conducted entirely within a
dwelling and participated in solely by members of the family, which use
28 is clearly incidental and secondary to the use of the dwelling for dwelling
purposes and does not change the character thereof and in connection with
29 which there is no commodity sold upon the premises except that which is
produced thereon, and provided, however, in no event shall a tea room or
30 animal hospital be considered as a Home Occupation.
31

1 (HH) Hotel or Motel - A structure or portion thereof in which
more than five guest rooms are used to provide or offer temporary
2 accommodations for transient guests.

3 (II) Improvement Location Permit - A permit issued by the
Zoning Enforcement Officer stating that the proposed erection, construction,
4 enlargement or moving of the building or structure referred to therein
complies with the provisions of this chapter.
5

6 (JJ) Junkyard - Including Automobile Wrecking - a lot or a
part thereof used for the storage, keeping, dismantling, abandonment or
7 sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

8 (KK) Kennel, Animal - Any place where more than three dogs or
more than three any single type of domestic animals are kept. For this
9 purpose such animals shall not be counted until they reach the age of six
months.

10 (LL) Limited Group Home - A facility located in a residential
community providing shelter and/or rehabilitation for six (6) or less
11 children under the age of eighteen (18) years, referred by a governmental
body or duly licensed social service agency, who for various reasons
12 cannot reside in their family home. Twenty-four adult supervision is
mandatory and professional supervision and consultation is available to
13 both child care staff and children. The purpose of this type of facility
is to provide a service for the child who does not need the structure of
14 an institution in that he/she does not present a threat to the community,
yet is not a foster home candidate. The goal of the service is to return
15 home, other placement or emancipation, depending upon the age of the child
and the circumstances of his/her family.

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(MM) Lodging House - A building with more than two but not more than ten (10) guest rooms where lodging with or without meals is provided.

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(OO) Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

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(PP) Lot, Front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be considered as that part of the lot having the least amount of footage adjacent to and parallel with either one of the streets. Whenever such footage is the same on both of such streets, either part of the corner lot may be considered as the front of the lot.

29

30

(QQ) Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

31

(RR) Lot Width - The dimension of a lot, measured between side lot lines on the building line.

1

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3

(SS) Mobile Home, Dependent - A mobile home which requires service connection for sewer, water and power facilities and which is so designed or constructed to permit occupancy for dwelling or sleeping purposes.

4

5

(TT) Mobile Home, Independent - One which does not require service connections for sewer, water or power and is so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

6

7

(UU) Mobile Home Park - Any tract of ground designed for use or used by one or more mobile homes which provides the necessary services such as water, sewer and power connections for the dependent-type mobile homes as defined in this ordinance.

8

9

(VV) Parking Area, Public - An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

10

11

(WW) Parking Space (Off-Street, One) - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways.

12

13

(XX) Person - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

14

15

(YY) Private School - Private preprimary, primary, grade, high or preparation school or academy.

16

17

(ZZ) Sign - Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

18

19

(AAA) Story - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

20

21

(BBB) Story, Half - A story under a gable, hop or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

22

23

(CCC) Street - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

24

25

(DDD) Structure - Anything constructed or erected which requires location in or on the ground or attachment to something having a location in or on the ground.

26

27

(EEE) Territorial Jurisdiction - The City of Fort Wayne, Indiana, and the contiguous unincorporated areas outside of the City of Fort Wayne shown on a map on file in the Office of the County Recorder of Allen County, Indiana.

28

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(FFF) Tourist Home - A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests.

(GGG) Trade or Business School - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit corporation; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical skills.

(HHH) Trailer Park - Any tract of ground designed for use or used by one or more trailers of the independent mobile home type defined in this ordinance and which is used for dwelling or sleeping purposes regardless of whether a charge is made for such accommodation.

(III) Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

(JJJ) Use, Nonconforming - An existing use of land or building which fails to comply with the requirements set forth in the chapter applicable to the district in which such use is located.

(KKK) Use, Open - The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

(LLL) Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

(MMM) Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building line.

(NNN) Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the least distance between the rear lot line and the rear of such main building.

(OOO) Yard, Side - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the main building.

(PPP) Zoning Enforcement Officer - An official of the Plan Commission Staff of the City of Fort Wayne, Indiana who issues any and all required permits and enforces the provisions of this chapter and the planning and zoning laws of the State of Indiana within the planning jurisdiction of the Fort Wayne Plan Commission.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne, Indiana, 1974 be amended to read as follows: Section 33-14 Permitted Uses - Specified Districts. The following uses shall be permitted in the district hereinafter specified:

A. "R1" District - One Family Residence

- (1) One Family Dwelling
- (2) Public Park or Recreation Area
- (3) Church, Public or Parochial Primary or Secondary School, including attached or free standing announcement or bulletin board, not exceeding 24 square feet in area.
- (4) Home Occupation
- (5) Limited Group Home, if its location is first approved by the Board following a public hearing.
- (6) Day Care Home
- (7) Accessory Building and Use
- (8) Name Plat or Sign - One per dwelling unit not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

B. "R2" District - Two Family Residence

- (1) All Uses Permitted in the "R1" District, plus:
- (2) Two Family Dwelling
- (3) Limited Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.
- (4) Extended Group Homes, if its location is first approved by the Board following a public hearing.
- (5) Half-Way House, if its location is first approved by the Board following a public hearing.
- (6) Accessory Building and Use

C. "R3" District - Multiple Family Residence

- (1) All uses permitted in the "R2" District, plus:
- (2) Multiple Family Residence
- (3) Apartment Hotel
- (4) Tourist Home, Lodging Home
- (5) Nursing Home or Rest Home
- (6) Non-Profit Private Club
- (7) Mortuary

(8) Extended Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(9) Half-Way House, provided that not more than two group homes or half-way houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(10) Office or Studio - if its location is first approved by the Board following a public hearing.

(11) Accessory Building and Use

D. "RA" District and "RB" District - Residence (G-97-70, 8/25/70)

(1) Dwelling

(2) Public Park and Recreation Area

(3) Church, Public or Parochial Primary or Secondary School, including attached or free standing bulletin board not exceeding 24 square feet in area.

(4) Agriculture, Nursery or Truck Garden (Open or Under Glass)

(5) Home Occupation

(6) Tourist Home or Lodging Home, if its location is first approved by the Board of Zoning Appeals following a public hearing.

(7) Nursing Home or Rest Home, if its location is first approved by the Board following a public hearing.

(8) Accessory Building and Use, including roadside stands for the retail sale of commodities produced on the premises only.

(9) Name Plate or Sign, one per dwelling not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to the sale or rental of property on which it is located.

(10) If the Commission shall find that substantial property rights in the area surrounding the tract may be directly affected by the development, a public hearing shall be held by the Commission before it approves a preliminary development plan; otherwise, a public hearing shall not be required. Notice of any such public hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or amendments thereto under the Planning Acts of the State of Indiana.

a. The development plan shall meet the location criteria:

(i) The location and size of the development would be compatible with the surrounding area and would not conflict with any components of the Master Plan of the City of Fort Wayne.

(ii) The location of the development would provide direct access to a secondary or primary street or sufficient right-of-way and improvement width, or a residential street that meets the minimum requirements of both right-of-way and improvement of a secondary street unless waived by the Plan Commission.

(iii) Written approval is received from the agency having jurisdiction that the development would not impose hardships on the following facilities:

- (a) Water
- (b) Sewer
- (c) Streets
- (d) Schools
- (e) Parks & Playgrounds
- (f) Fire Protection
- (g) Storm Water Drainage

(iv) The Commission shall determine which street shall be dedicated and which passageways are to be private streets or parking lots.

(v) If the Commission is of the opinion that the location of the multiple family or multiple group development would conflict with the Master Plan for the City of Fort Wayne or would be detrimental to the growth of existing uses in the surrounding area, the Commission may disapprove said multiple development proposal, providing, however, such approval by the Commission will not be unreasonably withheld.

b. The preliminary development plan shall meet the following standards and include the following information and supporting data:

- (i) No less than 2,500 square feet of land is devoted to any efficiency, one or two bedroom living unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.
- (ii) Living units having three (3) or more bedrooms shall have a minimum 4,000 square feet of land per unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.
- (iii) The minimum off-street parking requirement shall be one and one-half (1½) spaces per unit and must be in acceptable location to the building served. All parking spaces on public or private streets shall be parallel to the street.
- (iv) All dedicated streets shall conform to the minimum requirements of the Subdivision Control Ordinance of the City of Fort Wayne and provide alignment with existing dedicated streets.
- (v) The maximum building coverage does not exceed thirty (30) percent of the tract, exclusive of streets.
- (vi) Recreation or laundry facilities be located in a manner that would serve only the proposed multiple family complex. The use of these facilities by persons living outside this complex would be a violation of this ordinance.
- (vii) In a multiple family or multiple group development, no building shall be closer than twenty-five (25) feet to an adjacent property line in the case of a one-story building nor closer than thirty (30) feet in the case of a two-story building. The Plan Commission may waive front, side or rear yard requirements if such waiver would compliment the plan.
- (viii) Date, Scale 1" = 50', North Point, Name of Designer or Engineer and name and address of developer of tract.
- (ix) Accurate boundaries of proposed development and accurate location of abutting streets and structures.
- (x) Location, size, use and capacity of all structures existing or to be placed on the tract.
- (xi) Proposed point of ingress and egress for the planned development with proposed parking areas.
- (xii) Existing and proposed rights-of-way of existing or proposed streets road and highways.
- (xiii) Proposed site screening and landscaping of development. A minimum of forty (40) percent of all open space, exclusive of streets, shall be devoted to landscaping, unless waived by the Commission.
- (xiv) Proposals for sewers, water, gas, electricity and storm drainage and the necessary easements for these utilities.
- (xv) Proposals for control of storm water runoff.
- (xvi) A fifty dollar (\$50) application fee must be paid to City Controller for the processing of this development plan.
- (xvii) The Commission shall determine the location and type of all additional sidewalks.

- 8 c. If the Commission approves the preliminary
9 development plan, the final development plan
10 shall be submitted to the Commission twenty-one
11 (21) days prior to their next scheduled meeting
12 and include the original tracing, five (5) prints
13 and the following additional data:
- 14 (i) Five (5) sets of improvement plans to
15 be distributed to the Street Engineer,
16 Water Engineer and Sewer Engineer and
17 drawn in compliance with the Fort Wayne
18 Board of Public Works Specifications.
 - 19 (ii) Existing contours at two (2) foot intervals
20 with spot elevations of finished grade and
21 directions of storm water runoff.
 - 22 (iii) To dedicate the streets and easements within
23 this development plan, the following should
24 be added:
- 25 (a) Name of Plat
 - 26 (b) Street name assigned to streets to be
27 dedicated and defining of streets or
28 drives to remain private.
 - 29 (c) Certification by land surveyor registered
30 by the State of Indiana.
 - 31 (d) Lot lines and dimensions.
 - (e) Execution and notary by owners of land.
 - (f) Instrument of approval for signatures
of governing bodies.
 - (g) Private restrictive covenants.
 - (h) Statement dedicating streets and easements
to the City of Fort Wayne.

SECTION 2. If any section, clause, sentence part or
paragraph of this Ordinance shall be declared invalid, it shall
not affect the legality of the remainder or other parts of this
ordinance.

SECTION 3. This Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal
publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly
adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

GiaQuinta, Stier

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning
Map Ordinance No. Z-16-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day
of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11st day of May, 1980, at the hour of 3:00 o'clock
P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-09

SPECIAL ORDINANCE NO. S-43-80

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 309-79,
Phase III, between the City of Fort Wayne,
Indiana and Bercot, Inc., Contractor for
construction of sanitary sewer interceptor
along Harber Ditch

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 2, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., Contractor, for:

construction of sanitary sewer
interceptor along Harber Ditch

under Board of Public Works Sewer Improvement Resolution No. 30979, Phase III, at a total cost of \$252,270.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
GiaQuinta, Stier

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-43-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-10

SPECIAL ORDINANCE NO. S-44-80

AN ORDINANCE approving an Agreement
with M & G Properties, for construction
of a sanitary sewer, for Baer Field West

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated April 2, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and M & G Properties, a general partnership, consisting of Harley Graham and Tom Martin, for:

SANITARY SEWER

Beginning at an existing manhole located 2200 \pm LF North of and 25 \pm LF West of the intersection of Thirteenth Street and Ferguson Road; thence meandering southwesterly 2245 \pm LF to a proposed manhole located 10 \pm LF West of the East right-of-way line of Indianapolis Road; thence southwesterly parallel to said Indianapolis Road 2555 \pm LF to a proposed manhole located 65 \pm LF North of and 95 \pm LF West of the intersection of Indianapolis Road and Ferguson Road; thence southwesterly 400 \pm LF to a proposed manhole located 315 \pm LF South of the intersection of Keller Road and Indianapolis Road; thence southerly along Keller Road 800 \pm LF terminating at a proposed manhole located 40 \pm LF South of and 15 \pm LF West of the intersection of Keller Road and West Perimeter Road.

of which the developer shall pay \$20,000 and City Utilities \$201,108 for the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-44-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-28

RESOLUTION NO. R-42-80

A RESOLUTION AUTHORIZING AN INCREASE
IN BASIC SUBSCRIBER RATES TO CUSTOMERS
IN THE AREA KNOWN AS CANTERBURY GREEN
IN THE CITY OF FORT WAYNE, INDIANA

WHEREAS, the City of Fort Wayne has previously adopted General Ordinance No. G2777 providing for the establishment of a cable communications system in the City of Fort Wayne, Indiana, which existing Ordinance became effective July 26, 1977; and,

WHEREAS, prior to January 1, 1976 Citizens Cable of Allen County, Inc. had constructed cable television facilities and a cable television system and was furnishing cable television service to the area known as Canterbury Green; and,

WHEREAS, on January 1, 1976 the said area described above was annexed to the City of Fort Wayne, Indiana and Citizens Cable of Allen County, Inc. has continued to provide cable television service to said area pursuant to General Ordinance No. G0379 adopted by the Common Council of the City of Fort Wayne, effective January 25, 1979, and requiring Citizens Cable of Allen County, Inc. to comply with all applicable requirements of said General Ordinance No. G2777; and,

WHEREAS, the area known as Canterbury Green is serviced by Citizens Cable of Allen County, Inc., but is subject to the jurisdiction of the Board of Public Works of the City of Fort Wayne, Indiana and the Common Council of the City of Fort Wayne, Indiana, and,

WHEREAS, in order to equalize the structure for basic subscriber rates Citizens Cable of Allen County, Inc. now seeks to adjust the rate in said Canterbury Green to \$8.50 per month for basic subscriber rate and to that end has advised the Board of Public Works and the Common Council of the City of Fort Wayne, Indiana of a proposed change in rates; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has held a public hearing on said rate change on April 10, 1979 and has deemed it advisable to accept the proposal of Citizens Cable of Allen County, Inc.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the basic subscriber rate for customers of Citizens Cable of Allen County, Inc., located in the Canterbury Green area is hereby increased to \$8.50 per month effective from and after the effective date of this Resolution.

Section 2. This Resolution shall be in full force and effect after its passage by the Common Council and approval by the Mayor of the City of Fort Wayne, Indiana.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 4-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-42-80 on the 22nd day of April, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of April, 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-16

SPECIAL ORDINANCE NO. S-45-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-08130H with Poinsett Motors,
Inc. for three vehicles for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-08130H, dated April 2, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Fire Department and Poinsett Motors, Inc., for the purchase of three 1980 Plymouth Gran Furys to be used in the Fire Department, at a cost of \$18,696.37, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier
Nays: One
D. Schmidt
Abstained: One
Schomburg
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-45-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-17

SPECIAL ORDINANCE NO. S-46-80

AN ORDINANCE approving Change Order No. 4,
in connection with the Civic Center Parking
Garage

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Change Order No. 4, to Hagerman Construction Corporation, in connection with the Civic Center Parking Garage, for:

miscellaneous additions/materials to
waterproof around stairwell of Civic
Center Parking Garage

in the amount of \$1,516.00, as set out in the specifications therefor, which are on file in the office of the Board of Works and are be reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-46-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-18

SPECIAL ORDINANCE NO. S-47-80

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1980
(H.A.M. INC. PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the H.A.M., Inc. Project, regarding the financing of proposed economic development facilities for H.A.M., Inc. and the Fort Wayne Plan Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 20, 1979 and also adopted Resolutions on December 20, 1979 and April 8, 1980, which Resolutions have been transmitted hereto, finding that the financing of certain economic development facilities of H.A.M., Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council and has approved the forms and has transmitted for approval by the Common Council the Loan Agreement and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic Development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to H.A.M., Inc. for the acquisition and construction of such facilities and equipping thereof, the payment of the revenue bonds by H.A.M., Inc. under the Loan Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (H.A.M., Inc. Project) in the total principal amount of Three Hundred TwentyFive Thousand Dollars (\$325,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and the Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by HAM, Inc. under the Loan Agreement or as otherwise provided in the above-described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9% per annum and a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of Economic Development First Mortgage Revenue Bonds, Series 1980, (H.A.M., Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-47-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-0419

SPECIAL ORDINANCE NO. S-48-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (J.B. TOOL, DIE & ENGINEERING, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the J.B. Tool, Die & Engineering, Inc. Project, regarding the financing of proposed economic development facilities for J.B. Tool, Die & Engineering and the Fort Wayne Plan Commission has commented favorably thereon;

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 14, 1979, and also adopted Resolution on November 14, 1979 and April 8, 1980, which Resolutions have been transmitted hereto, finding that the financing of certain economic development facilities of J.B. Tool, Die & Engineering, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust and Guaranty; now therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the revenue bonds, the loan of the proceeds of the revenue bonds to J.B. Tool, Die & Engineering, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by J.B. Tool, Die & Engineering, Inc. under the Loan agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Mortgage and Indenture of Trust and Guaranty approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes

of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (J.B. Tool, Die & Engineering, Inc.) in the total principal amount of One Million Dollars (\$1,000,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by J.B. Tool, Die & Engineering, Inc. under the Loan Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9 1/2% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (J.B. Tool, Die & Engineering, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt,
Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-48-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-22

RESOLUTION NO. R-43-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission, authorizing the issuance and sale of \$975,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Young Women's Christian Association of Fort Wayne, Ind., Inc. a Corporation ("Corporation") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that they propose that the Issuer loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be a swimming pool and two racquetball courts to be constructed on a tract of approximately 26 acres owned by the applicant at 2000 North Wells Street in the City of Fort Wayne, Indiana, and

WHEREAS, the diversification of industry and increase in job opportunities (five full-time and thirteen part-time jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, AS FOLLOWS:

SECTION 1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Fort Wayne, approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$975,000.00 of the Issuer under the Act for the acquisition and equipping of the Project or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (1) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

SECTION 4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will loan the proceeds from the sale of the bonds to the Applicant for said purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-43-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-03-08 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-17-80

AN ORDINANCE amending the City
of Fort Wayne Zoning Map No. Q-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. Q10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

That part of Section 6, Township 30 North, Range 13 East, described as follows:

Commencing on the north line of Section 6, 14.69 chains West of the Northeast corner of said Section 6, Township 30 North, Range 13 East, to corner of land conveyed to Engleking, thence East 170.0 feet; thence South parallel with the East line of Section 6, Township and Range aforesaid, 250 feet; thence West parallel with the North line 170.0 feet; thence North to the place of beginning; EXCEPTING from the above described tract the West two feet thereof, in Allen County, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-17-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-03-09

ZONING MAP ORDINANCE NO. Z-18-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 02, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

The north thirtytwo (32) feet of that part of Out Lot nineteen (19) in Lilie's Addition of Out Lots to the City of Fort Wayne, lying east of the east rightofway line of Winter Street and west of the west right-of-way of the first alley east of said Winter Street, more particularly described as follows:

Commencing at the intersection of the east right-of-way line of Winter Street aforesaid with the north line of said Out Lot nineteen (19); thence east on the north line of said Out Lot nineteen (19) a distance of one hundred thirty (130) feet to the west right-of-way line of the alley; thence south parallel with Winter Street thirty-two (32) feet; thence west parallel with the north line of said Out Lot nineteen (19) a 350

the east right-of-way line of Winter Street thirty-two (32) feet to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schmoburg, Stier,

Nays: None

Absent: One

Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-18-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-25

SPECIAL ORDINANCE NO. S-49-80

AN ORDINANCE approving Civil City Purchase
Order No. 2107 with Westvaco (U.S. Envelope)
for various size envelopes for use by the
Office Services Department of the City of
Fort Wayne, Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 2107, dated April 15, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Office Services Department and Westvaco (U.S. Envelope) for the purchase of various size envelopes for use by the Office Services Department in the amount of \$11,992.50, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-49-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-26

SPECIAL ORDINANCE NO. S-50-80

AN ORDINANCE approving an Agreement with
Hamilton Hunter, Inc., for construction
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated April 14, 1980, bewteen the City of Fort Wayne,
by and through its Mayor and the Board of Public Works and Hamilton Hunter, Inc., Developer, for:

SANITARY SEWER

Beginning at an existing manhole located 12 + L.F.
north of and 21 + L.F. west of the Northeast corner of Lot #9 Northway Gardens Addition;
thence southeasterly 25 + L.F. to a proposed manhole located on the East property line
of said Lot #9 4 + L.F. south of the Northeast Corner; thence Easterly 1412 + L.F. terminating
at a proposed manhole located 7 + L.F. east of and 4 + L.F. south of the Northwest corner
of Lot #24 of said Northway Gardens Addition.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all
as more particularly set forth in said agreement which is on file in the Office of the Board of Public
Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified,
confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-50-80 on the 13th day of May, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of
May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-02-34

ANNEXTION ORDINANCE X-02-80
AN ORDINANCE to amend Annexation
Ordinance No. X-04-79, the Blackhawk
Annexation

WHEREAS, Annexation Ordinance No. X0479 was passed by the Common Council on June 26, 1979, approved and signed by the Mayor of Fort Wayne on July 5, 1979, and received final publication thereof on July 18, 1979; and,

WHEREAS, the Common Council has been petitioned by fifty-one percent (51%) of the owners of territory within the area described by X0479 to annex said territory through voluntary annexation procedures.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Annexation Ordinance No. X-04-79 be amended to delete the territory described by the petition for voluntary annexation;

SECTION 2. That the territory description of Annexation Ordinance No. X-04-79 be amended to read as follows:

Commencing at the intersection of the centerline of section 33, T 31, R 13 E and the north right-of-way line of Hicksville Road (East State Blvd.); thence northeasterly along the north right-of-way line of Hicksville Road (East State Blvd.) this line also being the present corporation limits, to the east line of the northwest 1/4 of section 34, T 31 R 13 E; thence South along said east line of northwest 1/4 of section 34 (assumed to be the northerly projection of west line of lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said lot #2 in Browning Subdivision to a point located 262.68 + feet north of the southwest corner of said lot #2 in Browning Subdivision, said point more particularly described as being the northwest corner of lot #77 of Lake Forest Extended, Section III as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 + feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section III; thence west along the north line of Valley Meadows Section III to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville to the south right-ofway line of Hicksville Road (East State Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road, thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of section 33, T 31 N, R 13 E, thence south on said centerline section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds

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West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acre, more or less.

SECTION 3. That except as hereby amended, Annexation Ordinance X0479 shall remain in full force and effect.

SECTION 4. That this ordinance shall be in full force and effect after its passage, approval by the Mayor, and sixty days after final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-80 on the 13th day of May, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-02-36

ANNEXATION ORDINANCE NO. X-03-80

AN ORDINANCE annexing certain territory,
commonly known as the HWI Area, to Fort
Wayne, and including the same in Councilmanic
District No. 2

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more

particular described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 01 minute 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street; and containing 15.50 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to be above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 29 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days after final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-03-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-04-11

ANNEXATION ORDINANCE NO. X-04-80

AN ORDINANCE annexing certain territory, commonly known as the Northrop Village Area, to Fort Wayne, and including the same in Councilmanic District No. 3

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter of the Southeast Quarter of Section 11, and part of the Southwest Quarter, Section 12 and part of the Northwest Quarter, Section 13, and part of the Northeast Quarter, Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point 40' north of and 80' east of the southwest corner of Section 12, T 31 N, R 12 E; thence northerly along the east right-of-way line of Coldwater Road, this also being the present City limits, to the east - west centerline of Section 12, T 31 N, R 12 E; thence west along said east - west centerline of Section 12 and continuing west along the east - west centerline of Section 11, T 31 N, R 12 E, to a point 664.84' west of the east line of said Section 11; thence south to a point on the North right-of-way line of Cook Road which is 676.5' west of the northeast corner of Section 14, T 31 N, R 12 E; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn-Central Railroad; thence south along the west right-of-way line of said Penn-Central Railroad to its intersection with the south right-of-way line of Cook Road; thence east along the south right-of-way line of Cook Road to the east right-of-way line of Coldwater Road; thence north on the prolonged east right-of-way of Coldwater Road to the point of beginning, an area of \pm 23.94 acres.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time on one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvements nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to area already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary service will be provided to the above described territory in a manner consistent with the written fiscal plan for the territory developed by the Department

of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, and Section 2-9, Article 11, Chapter 2, of the Code of the City of Fort Wayne, Indiana, of 1974, is hereby amended accordingly.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days after final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Absent: One

Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-35

RESOLUTION NO. R-44-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the HWI area

WHEREAS, the annexation of territory to the city is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including the newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas received the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the HWI annexation area, more specifically:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the HWI annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution R5679 with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedues and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the HWI annexation ordinance.

Mark A. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. B-44-48 on the 130th day of May, 1960.

ATTEST

Charles W. Westerman
City Clerk

DEAL

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 130th day of May, 1960, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 130th day of May, 1960, at the hour of 4 pm. o'clock P.M., E.S.T.

Wm. Moore, Jr.
Mayor

FILE NO. B-44-48

RESOLUTION NO. B-44-48

A RESOLUTION of the Common Council setting
forth the policy of the City as regards to
the association of the Northrup Village Area.

WHEREAS: the association of territory to the City is a legislative function: and

WHEREAS: the Common Council is called upon to the preparation of the City budget to provide for the financing of municipal services to the entire City including the newly annexed areas: and

WHEREAS: the Common Council desires that newly annexed areas furnish the full measure of municipal services: and

WHEREAS: the Common Council has before it an ordinance for the association of Northrup Village Area: and

Part of the Southeast Quarter of the Southwest Quarter of Section 15, and part of the Southwest Quarter, Section 12 and part of the Northwest Quarter, Section 13, and part of the Northwest Quarter, Section 14, Township 33 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point 40' north of the NE' cor. of the southwest corner of Section 12, T. 33 N., R. 12 E.; thence northwards along the east right-of-way line of Coldwater Road, this also being the present City limits, to the east-west intersection of Section 12, T. 33 N., R. 12 E.; thence west along said east-west intersection of Section 12 and northward west along the east-west intersection of Section 12, T. 33 N., R. 12 E., to a point 364' 84" west of the east line of said Section 14; thence north to a point on the north right-of-way line of Cook Road which is 478' 17" west of the northwest corner of Section 14, T. 33 N., R. 12 E.; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn-Central Railroad; thence north along the west right-of-way line of said Penn-Central Railroad to its intersection with the north right-of-way line of Cook Road; thence east along the north right-of-way line of Cook Road to the east right-of-way line of Coldwater Road; thence north on the prolonged east right-of-way of Coldwater Road to the point of beginning, an area of 33.84 acres.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Northrup Village Association it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. B-44-79 with regard to the provision of non-capital and capital services to the association area.

SECTION 2. That it is the policy of the City to follow the innovative land plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography patterns of land utilization, and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Northrop Village Annexation Ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier
Nays: None
Absent: One
Talarico

Date: 5-13-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-45-80 on the 13th day of May, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of May, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-05

SPECIAL ORDINANCE NO. S-51-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (Teco, Inc., Project #1)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Teco, Inc. Project #1 regarding the financing of proposed economic development facilities for Teco, Inc. and Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on May 1, 1980, and also adopted a resolution on May 1, 1980, which Resolution has been transmitted

hereto, finding that the financing of certain economic development facilities of Teco, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Teco, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Teco, Inc. under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Note, and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Teco, Inc. Project #1), in the total principal amount of Seven Hundred Eighty-eight Thousand Dollars (\$788,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Teco, Inc. under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 10 1/2% per annum and at a price not less than 100 % of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Revenue Bonds, Series 1980 (Teco, Inc. Project #1), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-20-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as
Special Ordinance No. S-51-80 on the 20th day of May, 1980.

ATTEST: (SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of May, 1980,
at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 21st day of May, 1980, at the hour of 12:30 o'clock
P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-06

SPECIAL ORDINANCE NO. S-52-80

AN ORDINANCE authorizing the City of Fort
Wayne to issue its "Economic Development
First Mortgage Revenue Bonds, Series 1980
(Teco, Inc. Project #2)" and approving
other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project
Report for the Teco, Inc. Project #2 regarding the financing of proposed economic development facilities
for Teco, Inc. and the Fort Wayne Planning Commission has commented favorable thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing
on May 1, 1980, and also adopted a resolution on May 1, 1980, which Resolution has been transmitted
hereto, finding that the financing of certain economic development facilities of Teco, Inc. complies
with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the
health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved
and recommended the adoption of this form of Ordinance by this Common Council and has approved
the forms of and has transmitted for approval by the Common Council the Equipment Loan Agreement,
Note and Security Agreement and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities
referred to in the Equipment Loan Agreement approved by the Fort Wayne Economic Development
Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan
of the proceeds of the revenue bonds to Teco, Inc. for the acquisition of such facilities, the payment
of the revenue bonds by the note payments of Teco, Inc. under the Equipment Loan Agreement and
Note, and the securing of said bonds by granting a security interest in such facilities to the Trustee
under the Security Agreement and Indenture of Trust complies with the purposes and provisions of
I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Equipment Loan Agreement, Note, and Security Agreement
and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby
approved and all such documents (herein collectively referred to as the "Financing Agreement" referred
to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes
of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage
Revenue Bonds, Series 1980 (Teco, Inc. Project #2), in the total principal amount of One Hundred
Fifty Thousand Dollars (\$150,000) for the purpose of procuring funds to pay the costs of acquisition
and equipping of the economic development facilities as more particularly set out in the Security Agreement
and Indenture of Trust and Equipment Loan Agreement incorporated herein by reference, which bonds

will be payable as to principal, premium, if any, and interest from the note payments made by Teco, Inc. under the Equipment Loan Agreement and Note or as otherwise provided in the above described Security Agreement and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 12 % per annum and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Security Agreement and Indenture of Trust, payment for which will be made to the Trustee named in the Security Agreement and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provision of this Ordinance and the Security Agreement and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980, Teco, Inc. Project #2), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinat, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-20-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-52-80 on the 20th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of May, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 21st day of May, 1980, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, JR.
Mayor

BILL NO. R-80-05-10

RESOLUTION NO. R-46-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission, authorizing the issuance and sale of \$1,500,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, at the present time there insufficient employment opportunities and insufficient diversification of business, commerce and industry in and near the City of Fort Wayne, Indiana (the "City"); and

WHEREAS, the economic welfare of the City would be benefitted by the acquisition and construction of economic development facilities pursuant to the provisions of Indiana Code 18-4.5 (the "Act"); and

WHEREAS, P.F.D. (the "Company"), proposes to acquire and construct economic development facilities as defined in the Act if the City will finance costs of such economic development facilities pursuant to the Act, said facilities to be composed of a tract of approximately 2.5 acres on the south side of Fernhill Avenue (between Northrop and Wells) together with building and equipment to be erected thereon for a warehouse and paper distribution center.

WHEREAS, the Fort Wayne Economic Development Commission has adopted a resolution making certain findings with respect to such proposed economic development facilities (the "Project") and has forwarded such resolution to this Common Council;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, RESOLVES AS FOLLOWS:

SECTION 1. The Project constitutes economic development facilities which may be financed by the City through the issuance of revenue bonds pursuant to the act, and the City is willing upon compliance with all provisions of Indiana law to authorize the issuance of its revenue bonds in an amount of approximately \$1,500,000.00 which bonds will not be general obligations of the City but will be payable solely from the limited sources authorized and permitted by the Act.

SECTION 2. The proposed financing will be of benefit to the economic welfare of the City and will comply with the purposes and provisions of the Act.

SECTION 3. The Company may proceed with acquisition and construction of the economic development facilities in reliance upon this resolution.

SECTION 4. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-46-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-05-11

RESOLUTION NO. R-47-80

A RESOLUTION authorizing payment for
repair of damages to city property

WHEREAS, (1) the following city property was damaged and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>PROPERTY</u>	<u>INS. PAYMENT</u>	<u>REPAIR AGENCY</u>
Guardrail around Fire Station #11	\$717.75	Arrow Fence Comapny, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency for repair of damages to city property as set out above, respectively

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg
Stier, Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-47-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-07

SPECIAL ORDINANCE NO. S-53-80

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE BONDS,
SERIES 1980 (TEC-HACKETT, INC. PROJECT)"
APPROVING OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the Tec-Hackett, Inc. project, regarding the financing of proposed economic development facilities for use by Tec-Hackett, Inc. and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980 and also adopted Resolutions on January 22, 1980 and April 21, 1980, which Resolutions have been transmitted hereto, finding that the financing of certain economic development facilities for use by Tec-Hackett, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the bonds for the acquisition and construction of facilities for Tec-Hackett, Inc., the payment of the revenue bonds by the note payments of Elizabeth A. Hughes under the Loan Agreement and Note, and the securing of said bonds by the mortgage of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Tec-Hackett, Inc. Project) in the total principal amount of Two Hundred Sixty Thousand Dollars (\$260,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement and Mortgage and Indenture of Trust incorporated herein by reference, which bonds will be payable as to principal, premium, if any and interest from the note payments made by Elizabeth A. Hughes under the Loan Agreement and Note or as otherwise provided in the above-described Mortgage and Indenture of Trust. The Bonds shall never constitute a general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at an interest rate on the bonds not to exceed 9 3/4 per annum and a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (TecHackett, Inc. Project), and after the issuance of said bonds, this Special Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman '

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,,
Stier, Tlarico

Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-53-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-07

DECLARATORY RESOLUTION NO. R-48-80

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Credit Bureau of Fort Wayne, Inc. duly filed its petition dated March 19, 1980, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lot 438 and the West 40 feet of
Lot 439 and the South 5 feet of
the adjoining vacated alley on the
North:

located at and commonly known as:

315 West Washington Boulevard Fort
Wayne, Allen County, Indiana; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation
by the Fort Wayne Redevelopment Commission,
after due hearing, analysis and study in ac-
cordance with the provisions of Division 6,
Article II, Chapter 2 of the Municipal Code
of the City of Fort Wayne, Indiana, of 1974.

(b) Final confirmation hereof by due passage
upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmdit, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Burns

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-48-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-04-08

DECLARATORY RESOLUTION NO. R-49-80

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under I.C. 6-1.1-12.1

WHEREAS, First National Bank of Crown Point, Trustee under Trust No. 53-6161, by Northwest Properties, Inc., beneficiary, duly filed its petition dated March 14, 1980, for designation of the following described property as an Urban Development Area in accordance with Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974 and I.C. 6-1.1-12.1, to-wit:

The south half of the block bounded by
Wayne, Berry, Clinton and Barr Streets
in the City of Fort Wayne, Allen County,

located at the commonly known as:

201 East Wayne Street
Fort Wayne, Indiana 46802

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That subject to the requirements of Section below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6.1.1-12.1.

SECTION 2. That the foregoing is subject to:
 (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben E. Eisbart
 Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: One
 Burns

Date: 5-27-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-49-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
 City Clerk

Vivian G. Schmidt
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-80-05-12

GENERAL ORDINANCE NO. G-09-80

AN ORDINANCE amending certain schedules of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following schedules to Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 are hereby amended as follows, to-wit:

a. Scheduel 5 (Section 1749)
 "Intersections Where Stop Required"

by deleting:
 Stop Intersection

Rockwood Drivestop....for Chantilly Drive
 Rockwood Drive ...stop....for Exeter Drive

by adding:
 Stop Intersection

Red Haw Drivestop....for Cinnamon Road

b. Schedule 7 (Section 1790)
"Parking Prohibited At All Times On
Certain Streets"

be adding:

NO PARKING

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
W. State Blvd.	South	Tyler Ave.	W. City Limits

c. Schedule 12 (Section 1793(c))
"Two Hour Parking"

by adding:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Randalia Drive	West	150' North of Lake Ave.	Nevada Avenue

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier,
Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-09-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-14

SPECIAL ORDINANCE NO. S-54-80

AN ORDINANCE approving blanket purchase orders -
Civil City Purchase Orders No. B4-08287
B4-08288 and B4-08289 for materials for the
Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the blanket purchase order Civil City Purchase Orders No. B4-8287, B4-08288 and B4-0889, dated April 21, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Bituminous Materials, Inc., for:

asphalt emulsion (for cold mix), chip
and seal asphalt emulsion (cationic)
and penetration asphalt cement for
the Street Department in the approxi
mate amount of \$157,224.00 more or less,

all as more particularly set forth in said purchase orders, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-54-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-04-27

SPECIAL ORDINANCE NO. S-55-80

AN ORDINANCE approving City Utilities
Purchase Order No. 2055 with Dehaven
Chevrolet, Inc. for one vehicle for
the Street Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 2055, dated April 14, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Dehaven Chevrolet, Inc., for the purchase of one mid-size four-door Chevrolet, 1980 Malibu to be used in the Street Lighting Department at a cost of \$6,106.53, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-55-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-15

SPECIAL ORDINANCE NO. S-56-80

AN ORDINANCE approving City Utilities
Purchase Order No. 2045 with Board of Public
Parks & Recreation for equipment for the
Water Pollution Control Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 2045, dated April 7, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the Board of Public Parks and Recreation, for:

750' of 27" R.C.P. Class IV Pipe to be
used for construction of Junk Ditch
Interceptor for Swinney Park Sanitary
Sewer.

at a cost of \$42,000.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as . Special Ordinance No. S-56-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-16

SPECIAL ORDINANCE NO. S-57-80

AN ORDINANCE approving Change Order No. 5
in connection with the Civic Center Parking
Garage

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 to Hagerman Construction Corporation, in connection with the Civic Center Parking Garage, for:

revising the electrical and adjacent storage
rooms and revising power arrangement all in
conformance with the latest requirements for
electrical service by electric utility.

in the amount of \$10,729.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg r, Stier, Talarico

Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-57-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-17

SPECIAL ORDINANCE NO. S-58-80

AN ORDINANCE approving City Utilities
Purchase Order Nos. 2037 with Hefner
Chevrolet and 2109 with Truck Engineering
Co., Inc. for vehicles for Water Maintenance
and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Utilities Purchase Orders, numbered and listed below, dated April 9, 1980 and April 16, 1980, respectively, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of vehicles for the Water Maintenance & Service Department in the amounts as hereafter set out, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to-wit:

<u>NUMBER</u>	<u>VEHICLE</u>	<u>COMPANY</u>
2037	Two Tandem Dump Trucks 1980 Chevrolet	Hefner Chevrolet \$32,958.00
2109	Two Dump Bodies and Hosts	Truck Engineering Company, Inc. <u>\$10,604.30</u>
	TOTAL	43,562.30

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-58-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-18

SPECIAL ORDINANCE NO. S-59-80

AN ORDINANCE approving an Agreement with
Villas of the Marketplace Co., for
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated April 23, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Villas of the Marketplace Co., Developer, for:

SANITARY SEWER

Beginning at an existing manhole at the Southeast corner of Lot #8, Villas of the Marketplace, Sec. 1; thence Southwesterly 67 L.F. to a manhole at the Northeast corner of Lot #32, Villas of the Marketplace, Sec. 11; thence South, 161 L.F. to a manhole at the Southeast corner of said Lot #32; thence West, 647 L.F. to a clean out and terminating.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-59-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-19

SPECIAL ORDINANCE NO. S-60-80

AN ORDINANCE approving a contract for
Sewage Works Grant No. C-180599-01
between the City of Fort Wayne, Indiana
and Clark Dietz Engineers in the preparation of
a modified facility plan for the Lakeside
Study Area

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 2, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Clark Dietz Engineers for:

assisting the Water Pollution Control
Engineering Department in the preparation
of a modified facility plan for the Lakeside
Study Area, preparatory to submitting to
both State and Federal agencies for construction
of above numbered project

under Board of Public Works Sewage Works Grant No. C-180599-01 at a total cost of \$5000.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-60-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-20

SPECIAL ORDINANCE NO. S-61-80

AN ORDINANCE approving City Utilities
Purchase Order No. 2072 with Allen County
Motors, Inc. for two vehicles for the Water
Pollution Control Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 2072, dated April 16, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Allen County Motors, Inc., for:

Two 1980 Ford LTD Station Wagons for Water
Pollution Control Maintenance Department
Service and Emergency Vehicular use

at a cost of \$13,035.80, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 5-27-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-61-80 on the 27th day of May, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of June, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06- 01

RESOLUTION R-LOST

A RESOLUTION of the City Council of the City of Fort Wayne expressing its intent to issue mortgage-backed housing revenue bonds to finance residential dwelling units for the housing of persons of low and moderate income

WHEREAS, Indiana Code 52011 et seq. (Public Law 28 of the Acts of 1978, the "Act") permits the issuance of mortgaged-backed revenue bonds (the "Bonds") by municipalities in the State of Indiana (the "State") in order to finance the construction, rehabilitation and/or acquisition of residential dwelling units for persons of low and moderate income.

WHEREAS, the Council finds that the provision of safe, sanitary and decent housing which persons of low and moderate income can afford is in the best interest of preserving and improving the economic viability and social well-being of the City of Fort Wayne (the "City"), and

WHEREAS, the Council desires to facilitate the issuance of such bonds by the City pursuant to the Act for such purposes and desires hereby to demonstrate its intent to do the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FORT WAYNE, INDIANA.

SECTION 1. There is a shortage of safe, sanitary and decent housing within the City which persons of low and moderate income can afford.

SECTION 2. This shortage is not transitory and selfcuring and private enterprise and investment cannot economically achieve the need construction and rehabilitation of such safe, sanitary and decent housing at this time.

SECTION 3. The cost of financing the construction, rehabilitation and purchase of safe, sanitary and decent housing by private enterprise is now a major factor affecting the supply of such housing for persons of low and moderate income.

SECTION 4. The issuance of bonds to finance such housing will substantially lower the cost of providing safe, sanitary and decent housing within the City, revitalize potentially decadent and blighted urban areas and contribute to the City's tax base.

SECTION 5. The issuance of bonds as provided herein and by the Act is a valid public purpose for which public money may be spent for the benefit of the City and its low and moderate income residents.

SECTION 6. In order to provide for the implementation of a residential mortgage revenue bond program (the "program") the bonds are to be issued in one or more series, the initial series to be issued in an amount not to exceed \$25,000,000.00.

SECTION 7. The staff of the City, including but not limited to the Controller and the Department of Community Development and Planning, is authorized and directed to determine the appropriate alternative methods of structuring the Program and begin the initial preparation of materials and documents for the development of the Program and the issuance of bonds to provide for safe and sanitary residential housing as provided in the Act.

James S. Stier
Councilman

Read the third time in full and on motion by Siter, seconded by GiaQuinta and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
 GiaQuinta, V. Schmidt, Schomburg, Stier,
 Nays: None
 Abstained: Two
 Burns, D. Schmidt
 Absent: Three
 Eisbart, Nuckols, Talarico

Date: 6-7-80

Charles W. Westerman
 City Clerk

BILL NO. R-80-06-02

RESOLUTION NO. R-50-80

A RESOLUTION of the City Council of the City of Fort Wayne expressing its intent to issue mortgage-backed housing revenue bonds to finance residential dwelling units for the housing of persons of low and moderate income

WHEREAS, Indiana Code 52011 et seq. (Public Law 28 of the Acts of 1978, the "Act") permits the issuance of mortgaged-backed revenue bonds (the "Bonds") by municipalities in the State of Indiana (the "State") in order to finance the construction, rehabilitation and/or acquisition of residential dwelling units for persons of low and moderate income.

WHEREAS, the Council finds that the provision of safe, sanitary and decent housing which persons of low and moderate income can afford is in the best interest of preserving and improving the economic viability and social well-being of the City of Fort Wayne (the "City"), and

WHEREAS, the Council desires to facilitate the issuance of such bonds by the City pursuant to the Act for such purposes and desires hereby to demonstrate its intent to do the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. There is a shortage of safe, sanitary and decent housing within the City which persons of low and moderate income can afford.

SECTION 2. This shortage is not transitory and selfcuring and private enterprise and investment cannot economically achieve the need construction and rehabilitation of such safe, sanitary and decent housing at this time.

SECTION 3. The cost of financing the construction, rehabilitation and purchase of safe, sanitary and decent housing by private enterprise is now a major factor affecting the supply of such housing for persons of low and moderate income.

SECTION 4. The issuance of bonds to finance such housing will substantially lower the cost of providing safe, sanitary and decent housing within the City, revitalize potentially decadent and blighted urban areas and contribute to the City's tax base.

SECTION 5. The issuance of bonds as provided herein and by the Act is a valid public purpose for which public money may be spent for the benefit of the City and its low and moderate income residents.

SECTION 6. In order to provide for the implementation of a residential mortgage revenue bond program (the "program") the bonds are to be issued in one or more series, the initial series to be issued in an amount not to exceed \$26,000,000.00.

SECTION 7. The staff of the City, including but not limited to the Controller and the Department of Community Development and Planning, is authorized and directed to determine the appropriate alternative methods of structuring the Program and begin the initial preparation of materials and documents for the development of the Program and the issuance of bonds to provide for safe and sanitary residential housing as proved in the Act.

James S. Stier
 Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Nuckols, Schomburg, Stier
Nays: None
Absent: Three
D. Schmidt, V. Schmidt, Talarico

Date: 6-12-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-50-80 on the 12th day of June, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1980, at the hour of 7:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of June, 1980, at the hour of 11:15 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06-03

RESOLUTION NO. R-51-80

A RESOLUTION of the City of Fort Wayne
Indiana commending the South Side High
School Women's Track Team and its Coaches
for its victory in the seventh annual Indiana
High School Athletic Association state
track and field competition

WHEREAS, the Women's track team of South Side School Fort Wayne, Indiana finished first among over 140 teams in the seventh annual Indiana High School Athletic Association state track and field competition; and,

WHEREAS, the City of Fort Wayne, Indiana takes great pride in the accomplishments of its youth, and

WHEREAS, the members of the South Side High School Women's track team and its coaches are deserving of special recognition;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of Fort Wayne, Indiana commends the members of the 1980 South Side High School Women's track team and its Coaches for its first place finish in the seventh annual Indiana state competition. The Common Council extends its gratitude to these individuals for enhancing the reputation of the City of Fort Wayne, Indiana, and its youth sports programs. This Common Council and the City of Fort Wayne take pride in your accomplishment.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Nuckols, Schomburg, Stier
Nays: None
Absent: Three
D. Schmidt, V. Schmidt, Talarico

Date: 6-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-51-80 on the 12th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1980, at the hour of 7:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of June 1980, at the hour of 11:16 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-21

SPECIAL ORDINANCE NO. S-62-80

AN ORDINANCE approving a contract between
the City of Fort Wayne and GT&E Data Services
Corporation for fire protection to premises
outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the contract, dated this 21st day of January, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and GT&E Data Services Corporation for the furnishing of fire protection by the Fort Wayne Fire Department to premises of GT&E Data Serve Corporation outside the city limits, described as follows, to-wit:

Lots Number 1 and 2 Oakbrook Office
Park.

At a cost to GT&E Data Services Corporation of \$3,932.04, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18682.

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, d. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-62-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-22

SPECIAL ORDINANCE NO. S-63-80

AN ORDINANCE approving a contract between
the City of Fort Wayne and International
Harvester Company for Fire protection to
premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated March 26, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and International Harvester Company for the furnishing of fire protection by the Fort Wayne Fire Department to premises of International Harvester Corporation outside the city limits, described as follows, to-wit:

All buildings and improvements of IHC located in an area bounded by New Haven Avenue on the North; Meyer Road on the East; Penn Central RR Tracks on the South and Coliseum Boulevard on the West (including the buildings facing on Pontiac Street Extended, and also including the Endee Warehouse building located on the SE corner of the above area, which said area is visually shown outlines in red on Exhibit "A" attached hereto and made a part hereof.

At a cost to International Harvester Corporation of \$53,676.80, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18682

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-63-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. G-80-05-24, (as amended) (as amended)

GENERAL ORDINANCE NO. G-10-80
(as amended)

AN ORDINANCE GOVERNING THE LETTING OF
CONTRACTS AND REQUIRING COUNCILMANIC
APPROVAL OR RATIFICATION OF CERTAIN CONTRACTS

WHEREAS, the legislative power of the City of Fort Wayne Indiana, is vested in the Common Council of said city; and

WHEREAS, the said Common Council has authority to exercise control over the budgeting and large Civil City expenditures subject to the bidding process; and

WHEREAS, the Common Council has traditionally exercised authority over the approval of larg Civil City expenditures subject to the bidding process; and

WHEREAS, Indiana Statute (I.C. 5-17-1) requires the Civil City to advertise for bids for purchase of materials, equipment, goods and supplies if the cost exceeds \$10,000.00, or if total annual rental payments under any lease exceed \$5,000.00, or if total annual rental payments to a person under all leases for equipment exceed \$5,000.00; and

WHEREAS, the Common Council under its home rule authority desires to lower the bid procedure for such purchases to \$7,500.00 and to require approval of such purchases and annual rental exceeding \$5,000.00.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Any department of the city government of Fort Fort Wayne, Indiana, including any city owned or operated utility, or any board, commission, officer or person duly authorized and empowered by law or delegated and entrusted with authority to make purchases of materials, equipment, goods, supplies and property of whatever description shall comply with the requirement of this Ordinance.

SECTION 2. Whenever the Civil City of Fort Wayne including any City owned or operated utility makes any purchase exceeding \$7,500.00 or enters into any lease or leases which exceed \$5,000.00 per year or when the total annual rental payments to a person under all leases exceeds \$5,000.00 including thoses which are subject to the bidding precess as provided by Indiana Code 5-17-1, all such purchases and/or leases shall be entered into with the prior approval or subsequent ratification by the Common Council of the City of Fort Wayne by Ordinance duly passed by said Common Council and approved by the Mayor of the City of Fort Wayne, Indiana. All such contracts or agreements entered into without such prior approval or subsequent ratification shall be null and void.

SECTION 3. Materials, goods, supplies may be purchased or such equipment hereinabove may be leased from the United States Government or any agency, division or instrumentality thereof without receiving bids.

SECTION 4. In case of emergency only the City of Fort Wayne may purchase repairs and purchase or lease equipment without receiving bids or Council approval.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Eisbart, GiaQuinta, Nuckols, D. Schmdit, V. Schmidt, Stier, Talarico
Nays: One
Burns
Abstained: Schomburg

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-10-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-05-23

RESOLUTION NO. R- 52-80

A RESOLUTION authorizing payment for
repair to certain damaged vehicle owned
by the City of Fort Wayne, Indiana

WHEREAS, (1) the following city vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INS. PAYMENT</u>	<u>REPAIR SHOP</u>
1971 IHC 1-ton dump Unit #264	\$1,219.13	The Body Shop

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency for vehicle repair work as set out above, respectively.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-52-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06-08

RESOLUTION NO. R-53-80

A RESOLUTION authorizing payment to various
agencies for repair of various vehicles

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bids received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
1978 Ford Truck-Unit 24 License Number MO 30022	\$268.34	James Auto & Truck Sales

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-53-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06-09

RESOLUTION NO. R-54-80

A RESOLUTION authorizing payment to various
agencies for repair of various vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department Vehicle #17, 4-door sedan, Chrysler License #MO11117 IN 80	\$566.06	Tomkinson Chrysler Plymouth, Inc.
Police Department License #MO11110 IN 80 1978 Ford, 4-door Sedan	439.37	Property Damage Appraisers
TOTAL	\$1005.43	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-54-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-05-26

ZONING MAP ORDINANCE NO. Z-19-80

AN ORDINANCE amending City of Fort
Wayne Zoning Map No. 0-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 034, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of the Northeast 1/4 of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at a point, said point being situated 792.6 feet West and 390.0 feet South 0 degrees 30 minutes West of the Northeast corner of Section 24; thence continuing South 0 degrees 30 minutes West, a distance of 208.8 feet; thence North 81 degrees 00 minutes West, a distance of 582.0 feet to a point on the Easterly right-of-way line of State Highway #427; thence North 25 degrees 15 minutes East and along the Easterly right-of-way line of said State Highway #427, a distance of 212.0 feet; thence Southeasterly 479.5 feet to the point of beginning, containing 2.32 acres of land, more or less.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-19-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

Rec. Page 416

BILL NO. R-80-06-20

RESOLUTION NO. R-55-80

A Resolution of the Common Council of the
City of Fort Wayne, Indiana, pertaining
to Lester L. Grile

WHEREAS, Lester L. Grile has given thirty-nine (39) years of service to the Fort Wayne Community Schools as a teacher, principal, administrative assistant and superintendent; and,

WHEREAS, during said thirty-nine (39) years he has also served the Fort Wayne community on many major boards and also as a member of several civic, cultural and humanitarian organizations, and, during the past nineteen (19) years as a superintendent of Fort Wayne Community School, he not only had the responsibility for Indiana's second largest elementary and secondary educational system, but also did commendable work in the establishment and administering of policies in developing staff personnel, in expanding public school facilities and in general, improving the quality of education for the children of the City of Fort Wayne, Indiana.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana;

SECTION 1. That the countless hours, dedicated effort and untiring service exhibited by Superintendent Grile be duly recognized and permanently noted in the annals of the official records of the City of Fort Wayne, Indiana; and

SECTION 2. Be it further resolved, that the City of Fort Wayne, Indiana, through its Common Council, not only note this as a matter of public record, but also applaud in the highest possible terms the accomplishments of Lester L. Grile, during the nearly four decades he spent in the field of public education, and, that this Common Council on behalf of said City, wish him and his wife, Ella, a rich, full and productive retirement.

SECTION 3. Be it further resolved, that a copy of this Resolution be spread of record in the journal of the Common Council of the City of Fort Wayne, Indiana, that a copy thereof be sent to the Clerk of the Common Council and that a copy thereof be sent to Lester L. Grile.

Ben A. Easbart
Councilman

Read the third time in full and on motion by Easbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Easbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: None

Absent: One
Stier

Date: 6-24-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-55-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-07

SPECIAL ORDINANCE NO. S-64-80

AN ORDINANCE amending the City of Fort Wayne Master Plan by abandoning and vacating the alley lying between Clinton Street and Clinton Court from Darrow Street south to the south line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the City of Fort Wayne, Indiana.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Master Plan of the City of Fort Wayne, Indiana, is hereby amended by abandoning and vacating the alley lying between Clinton Street and Clinton Court from Darrow Street south to the south line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the City of Fort Wayne, Indiana; provided that the City Plan Commission shall first give notice and conduct a public hearing and forward its recommendation in accordance with the provisions of I.C. 18-7-5-46.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor, subject to the requirement of Section 1 above.

Councilman

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GaiQuinta, Nuckols, D. Schmidt, V. Schmidt, Stier, Schomburg, Talarico

Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-64-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-28

SPECIAL ORDINANCE NO. S-65-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5865-80
between the City of Fort Wayne, Indiana
and John Dehner, Inc. for repair of damaged
concrete pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 14, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor, for:

repair of concrete pavement on Fairfax Avenue from
Fairfield to South Wayne,

under Board of Public Works Street Improvement Resolution No. 586580, at a total cost of \$17,479.70, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-65-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-29

SPECIAL ORDINANCE NO. S-66-80

AN ORDINANCE approving a contract for
Street Lighting Improvement Resolution
No. 140-80, between the City of Fort
Wayne, Indiana and N. G. Gilbert Corporation,
Contractor, for installation of street
lighting in Northwest Central Phase
IV Impact Area

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 14, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and N.G. Gilbert Corporation, Contractor, for:

ornamental street lighting with underground wiring in
Northwest Central Phase IV Impact Area,

under Board of Public Works Street Lighting Improvement Resolution No. 14080, at a total cost of \$39,310.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schimdt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-66-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-30

SPECIAL ORDINANCE NO. S-67-80

AN ORDINANCE approving Change Order No. 8
Contract No. 77-W-2, in connection with
the Filtration Plant Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 8 to Hagerman-Shambaugh, joint bidders, in connection with the Filtration Plant Addition, for:

additional steel channel jambs for protection of masonry edges at the elevator, reconstruction of headwall at washwater retention basin, pumping and hauling oil and water leaked into area during removal of old fuel tanks, removal of large masses of concrete supporting railroad track spur,

in the amount of \$24,131.65, as set out in the specifications, is hereby in all things ratified, confirmed

and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico
Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-67-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-05-31

SPECIAL ORDINANCE NO. S-68-80

AN ORDINANCE approving Change Order No. 7
Contract No. 77-W-2, in connection with
the Filtration Plant Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 7 to Hagerman-Shambaugh, joint bidders, in connection with the Filtration Plant Addition, for the following:

revise pneumatic conveying system as recommended by equip. supplies, provide outside push button station for one garage door, provide electrical power to water heater in new control room, changes to allow filtered water levels to be transmitted to new control panel, changes for compatibility with equipment supplied, change dehumidification system to hydrier, change settling tank weir troughs braces and furnish and install weld plates in the top surface of beams in chemical building, which will support precast roof slabs.

in the amount of \$22,458.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-24-80

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-68-80 on the 24th day of June, 1980

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-04

SPECIAL ORDINANCE NO. S-69-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (BRIGHTON MEADOWS OF ABOITE PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Brighton Meadows of Aboite Project regarding the financing of proposed economic development facilities for Brighton Meadows, an Indiana limited partnership (the "Company") and the Fort Wayne Planning Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 18, 1980, and also adopted a resolution on said date, which resolution has been transmitted hereto, finding that the financing of certain economic development facilities to be used by the company complies with the purposes and provisions of I.C. 1864.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Supplemental Loan Agreement and Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Supplemental Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the financing of the acquisition and construction of such facilities and the use thereof by the Company, the payment of the revenue bonds by the note payments of the Company pursuant to the Promissory Note required by the Supplemental Loan Agreement, and the securing of these bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 1864.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Supplemental Loan Agreement, Mortgage, and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 1864.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds (Brighton Meadows of Aboite Project), in the total principal amount of Eight Million Four Hundred Fiftytwo Thousand Dollars (\$8,452,000) for the purpose of procuring funds to finance the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Supplemental Loan Agreement and Mortgage and Indenture of Trust incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Company pursuant to the Promissory Note as required by the Supplemental Loan Agreement or as otherwise provided in the above Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 7.9% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the Purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holders of the Economic Development First Mortgage Revenue Bonds (Brighton Meadows of Aboite Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Talarico Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-69-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-05

SPECIAL ORDINANCE NO. S-70-80
ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS (P.F.D.
PROJECT)" AND APPROVING OTHER ACTIONS
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the P.F.D. Project regarding the financing of proposed economic development facilities for P.F.D., an Indiana general partnership (the "Company") and the Fort Wayne Planning Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on May 1, 1980, and also adopted a resolution on said date, which resolution has been transmitted hereto, finding that the financing of certain economic development facilities to be leased to the company complies with the purposes and provisions of I.C. 18-64.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Lease Agreement, and Mortgage and Indenture of Trust, now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Lease Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, from the Company, the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the financing of the acquisition and construction of such facilities and the lease thereof to the Company, the payment of the revenue bonds by the Lease payments of the Company under the Lease Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.D. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreement, and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds (P.F.D. Project), in the total principal amount of Seven Hundred Eighty Thousand Dollars (\$780,000) for the purpose of procuring funds to finance the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Lease Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rental payments made by the Company under the Lease Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 65% of the prime interest rate charged by Anthony Wayne Bank, Fort Wayne, Indiana, to its customers during the term of the bonds and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to, arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holders of the Economic Development First Mortgage Revenue Bonds (P.F.D. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmdit, Schomburg, Stier, Talarico

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-70-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-06

SPECIAL ORDINANCE NO. S-71-80

AN ORDINANCE approving change Order No. 6,
in connection with the Civic Center Parking Garage

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Change Order No. 6 to Hagerman Construction Corporation, in connection with the Civic Center Parking Garage, for:

additional work required to provide
new business office for City Parking
Department

in the amount of \$25,890.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schimdt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-07

SPECIAL ORDINANCE NO. S-72-80

AN ORDINANCE approving Civil City
purchases from Dietrich Acoustic Co.

WHEREAS, improvements have been made in the space occupied by the Civil City in the City County Building consisting of the disassembly, modification, relocation, erection and furnishing of partitions and wall coverings for which the City is indebted to Dietrich Acoustic Co. in the sum of \$33,475.50, as more particularly set forth in the invoices on file in the office of the Department of Purchasing, which are incorporated herein by reference.

WHEREAS, there is an unexpended balance in the Cumulative Capital Improvement Fund (Fund #345) of \$50,000.00 which has been previously appropriated for Buildings, Structures and Improvements which would include the above described work.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the purchase of said services and materials from Dietrich Acoustic Co. for partitions and wall coverings in the space occupied by the Civil City in the City County Building be ratified and approved.

SECTION 2. That the Controller be authorized and directed to pay said account of \$33,475.50 to Dietrich Acoustic Co. in payment for said work.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: One
D. Schmidt

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-72-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-05

RESOLUTION NO. R-56-80

A RESOLUTION authorizing payment to
an agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payments as hereafter set out, respectively, towit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Advanced Life Support Unit #2 EMS Department #19592	\$577.76	Marks Body Shop, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmdt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-56-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-06-25

GENERAL ORDINANCE NO. G-11-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
of a portion of Pennsylvania Street
and amending General Ordinance No. G-03-80
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to-wit:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of 90°-14' on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street, thence Northwesterly, by a deflection angle left of 79°-57'-30", on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of 100°-00'-30", a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79°-59'-30", on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.

SECTION 2. General Ordinance No. G0380 passed by the Common Council of the City of Fort Wayne, Indiana, on February 12, 1980 and signed by the Mayor of Fort Wayne on February 19, 1980, and thereafter legally published, is hereby amended and this General Ordinance No. G- shall stand in its stead due to an error in the legal description contained in General Ordinance G0380.

SECTION 3. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works and the City of Fort Wayne, Indiana.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Talarico
Nays: One
Stier

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-08

ZONING MAP ORDINANCE NO. Z-20-80

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. J-15 and J-19

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

Section 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. J-15 & J-19, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of Lot #1 together with part of Lot #8 in Archange Godfrey's Subdivision of Richardville Reserve situated on the West side of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, as recorded in Deed Record 52, pages 54-55 in the Office of the Recorder of Allen County, Indiana, all being more particularly described as follows, to wit:

Beginning at the North corner of said Lot #8; thence N 33°-50' W, on and along the Southwesterly line of said Lot #1, a distance of 311.2 feet to the centerline of the Fairfield Ditch, thence Northeasterly, on and along said Ditch centerline on the following courses and distances:

N 60°-45', a distance of 70.4 feet;
thence N 67°-33' E, a distance of 100.1 feet;
thence N 83°-52' E, a distance of 103.1 feet;
thence N 70°-36' E, a distance of 89.5 feet;
thence N 49°-09' E, a distance of 90.9 feet;
thence N 38°-23' E, a distance of 100.4 feet;
thence N 40°06' E, a distance of 100.2 feet;
thence N 45°-37' E, a distance of 131.0 feet to the Westerly right-of-way line of Bluffton Road (formerly State Road #1); thence Southeasterly, on and along said Westerly right-of-way line, being a regular curve to the left having a radius of 7211.98 feet and being situated 50.0 feet (measured radially) Westerly of and concentric to the centerline of said Bluffton Road a distance of 155.5 feet, (the chord of which bears S 08°-27' E for a length of 155.5 feet) to the point of tangency; thence S 09°-04' E, continuing along said Westerly right-of-way line, being 50.0 feet (measured at right angles) Westerly of and parallel to the centerline of said Bluffton Road, a distance of 1145.5 feet thence S 88°-03' W, a distance of 965.4 feet to the Northwesterly line of said Lot #8; thence N 25°-30' E, on and along said Northwesterly line, a distance of 709.2 feet to the point of beginning, containing 17.204 acres of land, subject to an easement, 20 feet in width for sanitary sewer purposes, as established by Declaratory Resolution No. 10721961, lying 10 feet on each side of the following described centerline, to wit:

Beginning on the Southwesterly line of said Lot #1 at a point situated 253.3 feet, N 33°50' W from the North corner of said Lot #8; thence N 69°50' E, a distance of 357.3 feet to a sanitary manhole, thence N 43° 32' E, a distance of 394.3 feet to a point on the Westerly right-of-way line of Bluffton Road and terminating at said point.

Further subject to a legal right-of-way for an open ditch known as the Fairfield Ditch, 75 feet from the top of the South Bank in accordance with Article 6, Section 601 of the Indiana Drainage Code of 1965.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Talarcio

Nays: Two

Schomburg, Stier

Abstained: One

GiaQuinta

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. Z-20-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-04-23

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. K-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lot Number 65 Archers Addition to the City of
Fort Wayne, Indiana, according to the recorded
plat thereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 7-8-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-05-25

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. 0-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974, and the symbols of the City of Fort Wayne Zoning Map No. 010, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Begue's Out Lot #4 in Commissioners Subdivision of all that part of the East half of Section 1, Township 30 North, Range 12 East, lying between the Wabash & Erie Canal and the Maumee River, as recorded in Book 77, page 185; EXCEPTING therefrom the South 1.5 acres, thereof conveyed to Emilie Aubry by deed recorded in Deed Record 73, containing 4.91 acres

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Date: 7-8-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-05-26

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending City of Fort Wayne
Zoning Map No. 0-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. 034, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to-wit:

Part of the Northeast 1/4 of Section 24, Township 31
North, Range 12 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at a point, said point being situated 792.6 feet West and 390.0 feet South 0 degrees 30 minutes West of the Northeast corner of Section 24; thence continuing South 0 degrees 30 minutes West, a distance of 208.8 feet; thence North 81 degrees 00 minutes West, a distance of 582.0 feet to a point on the Easterly right-of-way line of State Highway #427; thence North 25 degrees 15 minutes East and along the Easterly right-of-way line of said State Highway #427, a distance of 212.0 feet; thence Southeasterly 479.5 feet to the point of beginning, containing 2.32 acres of land, more or less.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmdit, Talarico

Nays: Three

V. Schmidt, Schomburg, Stier

Date: 7-8-80

Charles W. Westerman
City Clerk

Seven votes are needed to override City Plan's recommendation of Do Not Pass

BILL NO. Z-80-05-27

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. P-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. P27, referred to therein, established by Section 33-11, of said chapter are hereby changed accordingly, to-wit:

Lot #7 in Curde's South Acres Addition to the City of Fort Wayne, Indiana excepting therefrom the East 90.0 feet thereof and also excepting therefrom the West 25.0 feet thereof for Bauer Avenue right-of-way and also excepting therefrom the South 40.0 feet thereof for Tillman Road rightof-way.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 7-8-80

Charles W. Westerman
City Clerk

BILL NO. S-80-06-21

SPECIAL ORDINANCE NO. S-73-80

AN ORDINANCE approving a contract with
Brooks Construction Company for Street
Improvement Resolution No. 5859-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the contract dated June 11, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Brooks Construction Company, for:

the improvement of Davis Street with brick
from Main to Mary Streets, (areas to be
restored withll be marked in the field by
the project engineer),

for a total cost of \$9,180.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-73-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-23

SPECIAL ORDINANCE NO. S-74-80

AN ORDINANCE approving an Agreement with
Clark, Dietz Engineers Division for
professional engineering services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Agreement dated May 29, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Clark, Dietz Engineers Division, CRS Group Engineers, Inc., for:

Professional engineering service for
the Lakeside stormwater interceptor and
treatment project

for a total cost of \$487,250.00, of which the City will pay 40% and the balance paid by Environmental Protection Agency, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-74-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-24

SPECIAL ORDINANCE NO. S-75-80

AN ORDINANCE approving an Agreement
for Sewer Extension between the City
of Fort Wayne, Indiana and John Dehner, Inc.,
Contractor for construction of sanitary sewer
to serve Pleasant Township School

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That a certain Agreement dated May 28, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor, for:

construction of sewer extension to serve
Pleasant Township School, known as Harber
Ditch Interconnection, Phase Three Extension,

at a total cost of \$61,162.68, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-75-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-06-22

SPECIAL ORDINANCE NO. S-76-80

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order Nos. B-2239, B-2240 and B-2241 for office supplies for Office Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the blanket purchase order City Utilities Purchase Order Nos. B-2239, B-2240 and B-2241 in the approximate amount of \$9,780.46, dated June 2, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Office Services Department, for:

acquisition of office supplies for the
various departments of the city,

all as more particularly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 7-8-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-76-80 on the 8th day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-03-26

ZONING MAP ORDINANCE NO. Z-19-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. U18, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of the East half of the Northeast Quarter of Section 33, Township 31 North, Range 13 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the East 1/2 of the Northeast 1/4 of Section 33, Township 31 North, Range 13 East, Allen County, Indiana; thence West along the South line of said 1/4 section, 30.0 feet to a point on the West right of way line of Maplecrest Road; thence North along the West right of way line of Maplecrest Road and parallel to the East line of the E 1/2 of the NE 1/4 of Sec. 333113, a distance of 150.0 feet to the point of beginning for the tract of land herein described; thence continuing North along the West right of way line of Maplecrest Road and parallel to the East line of said 1/4 section, a distance of 175.2 feet; thence West by a deflection angle left of 90 degr. a distance of 204.91 feet; thence Southeasterly by a deflection angle left of 102 degr. 16 min. 45 sec. a distance of 180.05 feet; thence East by a deflection angle left of 77 degr. 58 min. 15 sec. and parallel to the South line of said 1/4 section, a distance of 166.62 feet to the place of beginning, containing 0.75 acres.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 6-24-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as
Zoning Map Ordinance No. Z-19-80 on the 24th day of June, 1980.

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 2nd day of July, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-02

SPECIAL ORDINANCE NO. S-77-80

AN ORDINANCE authorizing the purchase
by the Traffic Engineer, of two (2) one
(1) ton vehicles for his department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the City Traffic Engineer is hereby authorized to purchase, through the City Purchasing Agent, two (2) one-ton vehicles-cab and chassis, with utility beds, for use in the Traffic Engineering Department for the installation and maintenance of traffic signs, control devices, signals and devices, at a cost of \$18,247.75.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 7-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-77-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-03

RESOLUTION NO. R-57-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission, authorizing the issuance and sale of \$3,100,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Stone Pointe Realty, an Indiana limited partnership (the "Applicant")

has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 100,944 square foot apartment complex facility known as Stone Pointe Village Apartment composed of 144 multi-family units and the machinery and equipment to be installed therein, to be located at the northeast quadrant of Coldwater Road and Ridgemoor Drive, on an approximate 10.96 acre tract of land ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (93 new construction jobs with an estimated payroll of \$1,000,000.00 and six new permanent jobs with an estimated payroll of \$90,000.00 annually) to be achieved by the construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$3,100,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuant thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the Bonds, for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose (as defined in I.C. 1864.51) at the time of authorization of such additional Bonds), and that the aforementioned purposes comply with the provisions of I.C. 18-6-4.5.

SECTION 4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-57-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-04

RESOLUTION NO. R-58-80

A RESOLUTION authorizing the transfer
of funds from Account No. 402-010-015-4111
"Salaries" to Account No. 402-010-015-4540
"Clothing Allowance" in the 1980 Budget
of the Fire Department

WHEREAS, it has become necessary to transfer funds to Account No. 402-010-015-4540 "Clothing Allowance" in the 1980 Budget of the Fire Department, for which adequate funds exist in Account No. 402-010-015-4111 "Salaries", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$20,000.00 to Account No. 4020100154540 "Clothing Allowance" of the 1980 Budget of the Fire Department.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-015-4111 "Salaries" is hereby reduced in the amount of \$20,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-5880 on the 22nd day of July, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-06

RESOLUTION NO. R-59-80

A Resolution approving the filing of an application with the U. S. Department of Housing and Urban Development for an Urban Development Action Grant for Mid-Town Development Company

WHEREAS, the Housing and Community Development Act of 1977 authorizes the making of grants of federal fund to eligible units of local government for the purpose of carrying out urban development action projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such urban development action grants by virtue of certain conditions of distress; and

WHEREAS, the Common Council of the City of Fort Wayne deems it to be necessary and in the public interest to seek federal grant funds to help alleviate the conditions of distress that affect the city; and

WHEREAS, the City of Fort Wayne, working with a local private company has proposed a project that appears to be suitable for an urban action grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the proposed application for an Urban Development Action Grant dated July 31, 1980, entitled Mid-Town Development Company Office Project is hereby approved.

Section 2. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows:

a. To file said application with the U.S. Department of Housing and Urban Development in accordance with the Department's regulations, on or prior to July 31, 1980.

b. To serve as the authorized representative of the City of Fort Wayne in connection with the application and to provide HUD with such additional information, documentation, understandings, or assurances as may be required.

c. To execute such other documents as may be required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments, recisions and revisions thereto.

d. The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board or commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schombufg, Stier,
Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-59-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-07-19 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-13-80

AN ORDINANCE amending Section 18-24

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B which shall read as follows, to-wit:

Section 18-24-B. Noise Vehicular

Section 18-24-B-1. Scope

This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B-2. Definitions

For the purposes of this subsection, the following definitions apply:

- a. AWEIGHTED SOUND LEVEL: the sound pressure level in decibels as measured on a sound level meter using the AWeighting network. The level so read is designated db (A) or dBA.
- b. DECIBEL (db): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro pascals (20 micronewtons per square meter).
- c. LIGHT MOTOR VEHICLES: Any automobile, van motorcycle, motor driven cycle, motorscooter, dune buggy, snowmobile, all terrain vehicles, go cars, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.

- d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.
- e. NOISE LEVEL: The AWeighted sound level produced by a motor vehicle.
- f. PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.
- g. SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db (A) scale
- h. TRAFFIC NOISE: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code as defined above, shall be defined in conformance with, and applicable publication of the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B-3 Noise Limit

It shall be unlawful for any person to cause noise levels from the operation or use of light motor vehicles in excess of 83 dB (a) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B-4. Excessive Noise

It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players on or from such vehicle.

Section 18-24-B-5. Exemptions

The following are exempted from the provisions of this section:

- a. Sound emitted from sirens of authorized emergency vehicles,
- b. Lawnmowers, garden tractors, and similar home power tools when properly muffled, for up to two (2) hours per day between the hours of 8 A.M. and 8 P.M.
- c. Burglar alarms on light motor vehicles of the electronic signaling type which transmit a non-audible signal to a receiver which can be carried by the owner or operator of the vehicle; and
- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police

officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this ordinance.

Upon conviction of violation of this ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (\$250.00) Dollars.

Section 18-24-7. Payment of Fines

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24-8. Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 3. This ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 7-22-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-05-13 (AS AMENDED)

(as amended)
GENERAL ORDINANCE NO. G-80-12-02

AN ORDINANCE amending Chapter 33 of the
Code of the City of Fort Wayne, Indiana,
1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. Section 33-9 of the Code of the City of Fort Wayne,
Indiana, 1974, be amended to read as follows: Section 33-9. Establishment
and Designation. For the purpose of this chapter the City is hereby divided
and classified into eighteen (18) districts designated as follows:

Designation, R1, One Family Residence District

Designation, R2, Two Family Residence District

Designation, R3, Multiple Family Residence District

Designation, RA, Residence District A

Designation, RB, Residence District B

Designation, B1A, Limited Business District

Designation, B1B, Limited Business District

Designation, B2, Planned Shopping Center

Designation, B3A, General Business District A

Designation, B3B, General Business District B

Designation, B4, Roadside Business District

Designation, M1, Light Industrial District

Designation, M2, General Industrial District

Designation, M3, Heavy Industrial District

Designation, IA, Interchange Access Center District

Designation, MHP, Mobile Home Park

Historical District

Flood Plain District

The above districts and their respective boundaries are hereby established
as shown by the symbols on the map entitled, "City of Fort Wayne Zoning

Map", dated September 16, 1969, which is on file in the Office of the Plan
Commission which map and all explanatory matter thereon by reference is
incorporated herein and made a part hereof.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne,
Indiana, 1974, be amended by deleting the existing Section 33-14 F in its
entirety and inserting a new Section 33-14 F as follows:

F. B-2 District - Planned Shopping Center

(1) Application

This ordinance shall apply to all existing Regional and Neighborhood
Shopping Centers and all future B2A (Neighborhood Shopping Center),
B2B (Community Shopping Center), and B2C (Metropolitan Shopping
Center), B2D (Regional Shopping Center)

(2) Purpose

The B-2 (Planned Shopping) District is established in order to
encourage the provision of adequate commercial facilities at an
appropriate location and of an appropriate design, scale and
intensity which will create a harmonious and functional
relationship with the immediate surroundings and community.
In reviewing the proposed B-2 District the Commission will
consider the nature of the proposed use, the total size of the
proposed project and the composition of all existing development
and zoning in the vicinity of the proposed B-2 District.
Traffic generation, both pedestrian and vehicular, and its
impact on surrounding streets and highways will also be of
major importance in the Commission's review process. Each
proposed shopping center as well as expansion of existing
centers will be evaluated in accordance with the goals and
objectives of the Comprehensive Plan. The B-2 District is
not intended to be utilized by a single business or use, but
rather should be a harmonious arrangement of different
establishments or businesses that will serve the community.

(3) Sub-Districts and Permitted Uses

a. Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 Sub-District and be subject to the requirements of that sub-district.

b. B-2A (Neighborhood Shopping Center)

(i) The neighborhood shopping center shall be designated with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day-to-day needs. Tenants typically found within this center include grocery and drug stores. A major tenant space shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B2A shopping center shall exceed 109,000 square feet of gross floor area of enclosed space regardless of overall site size.

(ii) Permitted uses shall include all B1A and B1B uses except residences, hotels, motels, private clubs or

lodges, telephone exchanges, electrical substations, animal hospitals, kennels, taverns and bars, masseur salons, automobile washing stations, bowling alleys, billiard or pool hall.

c. B-2B (Community Shopping Center)

(i) The community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center.

(ii) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement there may be two major tenants permitted with a limit per tenant not to exceed 45,000 square feet of gross floor area. No single tenant space other than those permitted above shall exceed 40,000 square feet gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B-2B shopping center shall exceed 218,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2A uses and B-1A and B-1B uses.

d. B-2C (Metropolitan Shopping Center)

(i) The Metropolitan Shopping Center is intended to serve a community of neighborhoods. Tenants are intended to be retail and service oriented establishments; such as department store, specialty store, discount store and variety store.

(ii) The major tenant space shall not exceed a maximum of 90,000 square feet gross floor area and not more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 60,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area provided, however, no B-2C shopping center shall exceed 327,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2B uses and additionally hotels, motels, private lodges or clubs.

e. B-2D (Regional Shopping Center)

(i) The regional shopping center provides complete comparison and competitive shopping. The center's drawing power stems from a wide variety of retail goods and services as well as a number of large traffic generators including one or more department stores. Tenant space size is unlimited as well as the number of tenants allowed. Building coverage shall not exceed 25% of the net site area, although overall site size is not limited.

(ii) Permitted uses include all B-2C uses and additionally bowling alleys, and arcades.

(3) Exceptions to Subdistrict Requirements

a. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in Section 33-14, F, (3); provided however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

(9) Site Plan Requirements - Preliminary

The preliminary site plan shall include the following information:

- a. Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development;
- b. Number and type of structures, parcel size, proposed lot coverage of buildings and structures;
- c. A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.
- d. The existing site conditions including contours at 2' intervals, water courses and drainageways, flood plain elevations, wooded areas, and other unique natural features;
- e. The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space;
- f. The existing and proposed vehicular circulation system, including right-of-ways widths and driving surface widths of streets, off-street parking areas, services areas, loading areas, street names, intersection radii, street dedications, and points of access to public right-of-way, where applicable;
- g. The existing and proposed pedestrian circulation system, including links with the public transit system;
- h. The proposed treatment of the perimeter of the site; including materials and techniques to be used such as screens, fences, walls, and landscaping;
- i. Proposed lighting (controls and lumens).

The above information must be submitted for all of the Site included in the application. Applications can be reviewed only for those areas for which all required submission data has been presented.

(10) Site Plan Requirements - Final

a. The final development plan shall be submitted to the Commission in the form of an original mylar or similar material drawn in ink and shall be a complete and accurate layout of the project and shall contain all additions, corrections, and deletions required by the Commission and shall include the following:

- (i) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, name of development;
- (ii) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract;
- (iii) Section or reserve line or other legal points of reference and distances to same;
- (iv) Building lines, lot lines, easement locations and dimensions;
- (v) Streets-plans, profiles, cross-sections and names, location and geometrics for entrance onto public right-of-way including acceleration-deceleration and passing lanes, dedication documents when applicable;
- (vi) Pedestrian walkways-plans and cross-sections;
- (vii) Easements such as pedestrian, utility, drainage, etc.;
- (viii) Sanitary, Storm Sewer and Water Lines - plans and profiles, water line plans; Storm Drainage Plans;
- (ix) Parking area - plans, cross-sections, and landscaping details;
- (x) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths;
- (xi) Lighting plan including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required;
- (xii) Landscape plans including the location of all landscape materials and elements. This requirement is waived in those areas used for single family residential purposes;
- (xiii) Other technical or statistical data which may be reasonably required by the Plan Commission;

- 20 b. Letters of comment from the following:
- 21 (i) City Street Engineering
- 22 (ii) City Water Pollution Control Engineering
- 23 (iii) City Water Engineering
- 24 (iv) City Street Light Engineering
- 25 (v) City Traffic Engineering
- 26 (vi) City Fire Department
- 27 (vii) City/County Board of Health - where applicable
- 28 (viii) City Inspection Division
- 29 (ix) County Surveyor
- 30 (x) Public Transportation Corporation
- 31

1 (11) Issuance of Permits

2 The Zoning Enforcement Officer shall issue an Improvement

3 Location Permit for a shopping center as herein defined

4 only following receipt of notice from the Plan Commission

5 that the final development plan has been approved by the

6 Plan Commission.

7 (12) Construction of Improvement under permit:

8 Revocation of Permit: Any person to whom is issued an

9 Improvement Location Permit pursuant to Subsection (4)

10 above, who fails to commence construction of the shopping

11 center within thirty-six (36) months after such permit

12 is issued or who fails to carry to completion thirty (30)

13 percent of the total buildings as authorized by said

14 permit within four (4) years after said permit is issued,

15 or within two (2) years after such construction is begun

16 whichever is later, or has not completed at least sixty

17 (60) percent of the total buildings within six (6) years,

18 shall be subject to the following:

19 a. If after public hearing the Commission finds that work

20 has not been commenced or completed on the shopping center

21 as required by the foregoing paragraph the Improvement

22 Location Permit shall be revoked by the Commission; pro-

23 vided however, if at this public hearing or at subsequent

24 public hearings, the Commission finds that there is suffi-

25 cient justification for the failure to commence or complete

26 this work, the Commission at each such hearing may extend

27 the time allowed for such commencement or completion for

28 periods not to exceed six (6) months.

29 b. If the plan is not completed as required by this Sub-

30 section, failure to complete said plan shall be considered

31 a breach of the zoning laws and subject to the penalty

32 called for in Chapter 33, Section 25 A - B - C.

33 c. The Commission, may after investigation, seek to enjoin

34 the operation of said shopping center if a substantial com-

35 pliance with said plan has not been achieved in the time

36 limit as herein set forth.

37 (13) Permits:

38 a. Amendments to Development Plan:

39 (i) The holder of a shopping center district Improvement

40 Location Permit may apply to the Commission at any time

41 for an alteration, change amendment or extension of the

42 development plan upon which such permit is based.

43 (ii) If an application shows that additional land is

44 to be improved or used in connection with such shopping

45 center permit, then the Commission shall proceed as in

46 the case of original application for a shopping center

47 Improvement Location Permit.

48 (iii) If no additional land is embraced in the application

49 for alteration, change, amendment or extension, then the

50 Commission shall be empowered to pass on such matters

51 without requiring a public hearing thereon.

52 (iv) In the event the Commission shall approve and order

53 such development plan changed, altered, amended or extended,

54 it shall so notify the Zoning Enforcement Officer, and

55 he/she shall issue an amended Improvement Location Permit

56 accordingly.

57 SECTION 3. If any section, clause, sentence part or paragraph of

58 this Ordinance shall be declared invalid, it shall not affect the legality

59 of the remainder or other parts of this Ordinance.

60 SECTION 4. This Ordinance shall be in full force and effect from

61 and after its passage, approval by the Mayor and legal publication thereof.

62 Ben A. Eisbart

63 Councilmember

64

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-14

SPECIAL ORDINANCE NO. S-78-80

AN ORDINANCE approving a contract for
curb and Sidewalk Improvement Resolution
No. 5868-80 between the City of
Fort Wayne, Indiana and T & F Construction
Corporation of Indiana, Contractor
for replacement of curb and sidewalk

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 2, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation of Indiana, Contractor, for:

replacement of curb and sidewalk in the
East Central Neighborhood, Phase V,
(Madison Street, Harmar Street, Hugh
Street, Division Street and Gay Street)

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 586880, at a total cost of \$69,972.55, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-78-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-15

SPECIAL ORDINANCE NO. S-79-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5871-80
between the City of Fort Wayne, Indiana,
and L.W. Dailey, Inc., Contractor, for
traffic signals

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 18, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and L.W. Dailey, Inc., Contractor, for:

traffic geonetrics and signalization
at Progress Road and State Road #3

under Board of Public Works Street Improvement Resolution No. 587180, at a total cost of \$117,216.20, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-79-80 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-16

SPECIAL ORDINANCE NO. S-80-80

AN ORDINANCE approving a contract for
Street Light Improvement Resolution
No. 141-80, between the City of Fort
Wayne, Indiana and N. G. Gilbert, Contractor
for ornamental lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 18, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and N. G. Gilbert Corp., Contractor, for:

ornamental street lighting with under
ground wiring for the East Central,
Phase V Impact Area,

under Board of Public Works Street Light Improvement Resolution No. 14180, at a total cost of \$14,795.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Tlarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schimdt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-8080 on the 22nd day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock
P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-30-07-20 (to be amended)

GENERAL ORDINANCE NO. G-80-14-80

AN ORDINANCE amending Chapter 24 of the
Code of the City of Fort Wayne, Indiana
of 1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Code of the City of
Fort Wayne, Indiana of 1974 is amended to be and read as fol-
lows, to-wit:

(CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974)

CHAPTER 24

SEWERS AND SEWERAGE SYSTEM

Article I. General

Sec. 24-1. Definitions.

Unless the context specifically indicates otherwise, the mean-
ings of the following terms as used in this Chapter and as used
in the rules and regulations adopted by the Board of Public
Works implementing the provisions of this Chapter are as set
out below respectively:

- 101. "Act": the Federal Water Pollution Control
Act, also known as "The Clean Water Act",
as amended, 33 U.S.C. 466, as referred to at
I.C. 13-1-4-1.
- 102. "Biochemical Oxygen Demand" (or BOD) of sewage,
sewage effluent, polluted waters or industrial
wastes: the quantity of dissolved oxygen in
milligrams per liter required during stabliza-
tion of the decomposable organic matter by
aerobic biochemical action under standard labora-
tory procedures for five days at 20° Centigrade.

The laboratory determinations shall be made in
accordance with procedures set forth in "Stan-
dard Methods" (see paragraph 136 below).

- 103. "Building (or House) Drain": that part of the
lowest horizontal piping of a building drainage
system receives the discharge from soil, waste
and other drainage pipes inside the walls of
the building and conveys it to a point outside
the foundation wall of the building.

- 104. "Building (or House) Drain Connection": the
point where the building (or House) sewer is
connected to the building drain at a location
usually approximately three (3) feet outside
the foundation wall of the building.

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-105.

"Building (or House) Sewer Connection": the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

a. Where a break-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the joint shall be considered a part of the building sewer;

b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.

-106.

"Building (or House) Sewer": the pipe which is connected to the building (or House) drain at a

point outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.

-107.

"Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes: a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

-108.

"City": the City of Fort Wayne, Indiana.

-109.

"Classification of Users":

109.1 "Domestic Class User": a user discharging normal domestic sewage, as hereinafter defined, into the system.

109.2 "Industrial Class User": any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as currently amended and supplemented, a copy of which is on file in the Office of the Sewer Engineer. A user described in the divisions listed therein may be excluded if it is determined by the City that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in

this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

- 6 -110. "Dwelling": a building or a portion thereof under
7 one roof used primarily for the abode of one or
8 more persons, but not including hotels, motels,
9 lodging or boarding houses or tourist homes.
- 10 -111. "Effluent": the water, together with any wastes
11 that may be present, flowing out of a drain, sewer
12 receptacle or outlet.
- 13 -112. "Emergency": an unforeseen combination of cir-
14 cumstances or a combination of unforeseen cir-
15 cumstances which require an immediate remedy.
16 Said emergency shall be declared by the Common
17 Council and shall be limited to a specific time
18 period.
- 19 -113. "Garbage": any solid wastes from the preparation,
20 cooking or dispensing of food and from the hand-
21 ling, storage or sale of produce.
- 22 -114. "Ground Garbage": garbage that is shredded to
23 such a degree that all particles will be carried
24 freely in suspension under the conditions nor-
25 mally prevailing in public sewers, with no par-
26 ticle being greater than one-half inch in any
27 dimension.
- 28 -115. "Industrial Wastes": any solid, liquid or gas-
29 eous substance or form of energy discharged,
30 permitted to flow or escape from an industrial,
31 manufacturing, commercial or business operation
32 or process or from the development, recovery or
3 processing of any natural resource carried on by
4 any person.
- 5 -116. "Influent": the water, together with any wastes
6 that may be present, flowing into a drain, sewer,
7 receptacle or outlet.
- 8 -117. "Major Industrial User": a user of the city-owned
9 treatment works that: (a) has a flow of 50,000
10 gallons of waste or more per average work day;
11 (b) has a flow of waste greater than 5% of the
12 flow carried by the part of the city system re-
13 ceiving the waste; (c) has in its waste, a toxic
14 pollutant in amounts as defined in standards
15 issued under Section 307(a) of the Federal Act;
16 or (d) is found by the Indiana Stream Pollution
17 Control Board, in connection with the issuance of
18 the NPDES Permit to the city-owned treatment works
19 receiving the waste, to have significant impact
20 whether singularly or in combination with other
21 contributing industries, on that treatment works
22 or upon the quality of effluent from that treat-
23 ment works.
- 24 -118. "Normal Domestic Sewage": (for the purpose of
25 determining eligibility for payment of surcharge):
26 sewage having an average daily suspended solids
27 concentration of not more than 250 milligrams per
28 liter, an average daily BOD of not more than 200
29 milligrams per liter, and an average daily phos-
30 phorus concentration of not more than 10 milli-
31 grams per liter.

- 3 -119. "NPDES Permit": a National Pollutant Discharge
4 Elimination System Permit issued by the Indiana
5 Stream Pollution Control Board for discharges
6 of waste waters to navigable waters of the United
7 States pursuant to Section 402 of 33 U.S.C. 466.
- 8 -120. "Operation and Maintenance Costs": all costs
9 direct and indirect, other than debt service
10 including replacement cost as defined in para-
11 graph 126, necessary to insure adequate waste
12 water treatment on a continuing basis conforming
13 with federal, state and local requirements and
14 to insure optimal long-term facilities management.
- 15 -121. "Outlet": any outlet, natural or constructed,
16 which is the point of final discharge of sewage
17 or of treatment plant effluent into any water-
18 course, pond, ditch, lake or other body of sur-
19 face or ground water.
- 20 -122. "Person": every individual, firm, partnership,
21 company, municipal or private corporation, com-
22 mercial establishment, association, society, in-
23 stitution, enterprise, governmental agency and
24 other legal unit or entity.
- 25 -123. "pH": the logarithm (to the base 10) of the re-
26 ciprocal of the hydrogen ion concentration of a
27 solution expressed in gramatoms per liter of
28 solution.
- 29 -124. "Pollutants":
30 124.1 "Compatible Pollutants": waste containing
31 biochemical oxygen demand, suspended solids,
32 pH and fecal coliform bacteria.
- 3 124.2 "Incompatible Pollutants": waste with any
4 pollutant that is not a compatible pollu-
5 tant.
- 6 -125. "Receiving Stream": the watercourse, stream or
7 body of water receiving the waters finally dis-
8 charged from the sewage treatment plant.
- 9 -126. "Replacement Cost": that cost stated in current
10 monetary values as an operating cost which rep-
11 resents and measures the day-to-day consumption
12 and attrition of physical assets in rendering
13 service to users.
- 14 -127. "Sanitary Sewage": sewage discharged from the
15 sanitary conveniences of dwellings, apartment
16 houses, condominiums, motels and hotels, lodging
17 or boarding houses, office buildings, factories
18 or institutions and free from storm waters, sur-
19 face water and industrial wastes.
- 20 -128. "Service Charge": the basic assessment levied
21 on all users of the public sewerage system for
22 wastes which do not exceed in strength the con-
23 centration values for above which a strength-
24 of-wastes surcharge will be made.
- 25 -129. "Sewage": the water-carried wastes from resi-
26 dences, business buildings, institutions and in-
27 dustrial establishments, singular or in any com-
28 bination, together with such ground, surface and
29 storm waters as may be present.
- 30 -130. "Sewage Treatment Plant" or "Water Pollution
31 Control Plant": the arrangement of devices,
32 structures and equipment used for treating and
disposing of sewage and sludge.

- 3 -131. "Sewage Utility" or "Water Pollution Control
4 Works": all facilities and systems for collecting,
5 transporting, pumping, treating and disposing of
6 sewage and sludge, including the sewerage system
7 and the sewage treatment plant, whether or not in
8 active use.
- 9 -132. "Sewer": a pipe or conduit for carrying sewage
10 and other waste liquids.
- 11 132.1 "Combined Sewer" or "Combination Sewer": a
12 sewer which carries storm, surface and
13 groundwater runoff as well as sewage.
- 14 132.2 "Public Sewer": a sewer to the use of which
15 all owners of abutting property have equal
16 rights and which is controlled and main-
17 tained by the City or other public authority.
- 18 132.3 "Sanitary Sewer": a sewer which carries
19 sewage and to which storm, surface and
20 ground-waters and unpolluted industrial
21 waste waters are not intentionally admitted.
- 22 132.4 "Storm Sewer": a sewer which carries storm,
23 surface and ground-water drainage but ex-
24 cludes sewage.
- 25 -133. "Sewer Engineer": the Chief Sewer Engineer of
26 the City or his duly authorized representative;
27 the term is synonymous with the term "Water
28 Pollution Control Engineer".
- 29 -134. "Sewerage System": the network of sewers and
30 appurtenances used for collecting, transporting
31 and pumping sewage to the Sewage Treatment Plant.
- 3 -135. "Shall" means mandatory; "may" means permissible.
- 4 -136. "Standard Methods": the examination and analy-
5 tical procedures set forth in the most recent
6 edition of "Standard Methods for the Examination
7 of Water and Wastewater", published jointly by the
8 American Water Works Association and the Water
9 Pollution Control Federation, a copy of which is
10 on file in the Office of the Sewer Engineer.
- 11 -137. "Strength-of-Wastes Surcharge": the additional
12 charges for sewage service collected from users
13 discharging sewage into the system having a
14 strength measurement in excess of the limits im-
15 posed by the provisions of this Chapter.
- 16 -138. "Superintendent": the Superintendent of the Sew-
17 age Treatment Plant (Water Pollution Control Plant)
18 of the City, or his duly authorized representative.
- 19 -139. "Suspended Solids": solids which either float on
20 the surface of or are in suspension in water,
21 sewage or other liquid and which are removable by
22 laboratory filtration. Their concentration is ex-
23 pressed in milligrams per liter. Quantitative
24 determinations are made in accordance with proced-
25 ures set forth in "Standard Methods".
- 26 -140. "Waste Surveillance Charge": a monthly charge
27 collected from users qualifying as industrial
28 class users to defray the cost of evaluating
29 customer's waste by metering and laboratory de-
30 vices and/or any other methods deemed necessary.
31 Said charges are set forth in Article VII and

are subject to review annually as provided in
Section 24-32.

-141. "Watercourse": a channel in which a flow of
water occurs either continuously or intermittent-
ly.

Sec. 24-2. Rules and Regulations - Board of Works Authority:

The Board of Public Works of the City shall, in accordance
with the Statutes of Indiana, and subject to the provisions
and requirements of this Chapter, make and enforce appropriate
rules and regulations for the safe, economical and efficient
management and operation of the City's Sewage Utility, for the
construction and use of sewers, building sewers, and appur-
tenances and connections to the sewerage system; for the regu-
lation, collection and refunding of the rates and charges for
sewerage service; and for the implementation of the provisions
of this Chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

(a) No owner or occupant of any real property
shall tap or drain either directly or indirectly into any public
sewer until a sewer tap permit has been obtained from city and
until he has satisfied his obligation to pay all assessments,
reimbursements and pro rata shares of sewer extension costs laid
against that property for public sewers which serve it. A tap
permit given in error shall not operate to nullify any such
obligation that has been duly recorded, nor estop the City from
charging and collecting such costs at any subsequent time.

(b) Tap permits shall be obtained from the City's
Sewer Permit Office and shall be issued only to licensed sewer
tap contractors, who shall pay to the Sewage Utility a fee of

thirty-five (\$35.00) dollars for each tap permit for a standard
six-inch service, a fee of seventy (\$70.00) dollars for each
tap permit for a special six-inch service and a fee of seventy
(\$70.00) dollars for each tap permit for a service larger than
six inches. Not later than 48 hours after making each sewer
tap and building the sewer installation, the tap contractor
shall notify the Sewer Engineer thereof in writing.

(c) The Board of Public Works shall have the
authority to require an owner of real property to disconnect any
downspouts, yard drains or other drains which carry the runoff
of natural precipitation from a building sewer which drains
into a sanitary sewer. Property owners shall have thirty (30)
days after notice thereof to comply with any such requirement.

(d) A new connection may be made for a city sewer
or sewers connected to the city system only after there has been
adequate assurance by City that the downstream facilities of the
sewage works have adequate capacity to handle the new waste
loadings.

(e) No person shall connect any roof downspout,
exterior foundation drain, or other source of surface run-off
or ground water to a building sewer or building drain which is
connected directly or indirectly, to a sanitary sewer of the
City.

(f) Any and all private sewer systems of any kind
now existing in or on premises where a public sewer is now or
may hereafter become available shall be discontinued, emptied
of its contents, cleaned out and be filled with earth or ashes,
and the house sewer shall be disconnected from the existing
private sewage system and be connected to the public sewer.
All such connections to the public sewer shall be made within
ninety days after the date the public sewer becomes available.

3 Sec. 24-4. Extensions of Sewers Outside Corporate Limits.
 4 The installation, construction or extension of sewers by the
 5 City outside the corporate limits of the City and the connect-
 6 ion or extension of sewers into the City's sewerage system
 7 from, by, to, or for properties located outside such limits
 8 is prohibited, except with the approval of the Common Council
 9 of the City by duly enacted ordinance, provided that an or-
 10 dinance ratifying a contract for such construction and connect-
 11 ion, shall be deemed to constitute such approval.
 12

13 Sec. 24-5. Connections to Sewerage System by Certain Out-Of
 14 City Properties. Notwithstanding the provisions of Sec. 24-4,
 15 the Board of Public Works shall have the authority to permit
 16 a property located outside the corporate limits of the City
 17 to connect to an existing sewer which is part of the City's
 18 sewerage system, when the property abuts, adjoins or is imme-
 19 diately contiguous to the street, alley or easement in which
 20 such sewer is located and provided the property owner or oc-
 21 cupant has complied with the requirements prescribed by Sec.
 22 24-3 of this Chapter.
 23

24 Sec. 24-6. Penalty for Violations.
 25 Any person who violates or fails to comply with any provision
 26 of this Chapter shall, upon conviction thereof, be fined not
 27 less than \$100.00 nor more than \$500.00. Each day that the
 28 violation continues shall be a separate offense.
 29

30 Sec. 24-7. Enforcement.
 31 The provisions of this Chapter shall be enforced by the Super-
 32 intendent, Water Pollution Control Plant, and such deputies as

3 he, with the approval of the Board of Works, may appoint for
 4 such purpose. Whenever said Superintendent or any such deputy
 5 shall deem it appropriate to charge a person with a violation of
 6 this Chapter, he shall issue to such person a Notice of Violation
 7 which shall be processed according to the provisions of Indiana
 8 Code (1971) 18-12.5-1 thru 4. The Superintendent of the Water
 9 Pollution Control Plant shall cause to be prepared, in duplicate,
 10 suitable, serially numbered, forms of such Notices of Violation
 11 and shall issue a supply of them to such deputies, taking their
 12 receipts therefore; provided only that such Notice of Violation
 13 forms shall not be printed until it has been approved by the
 14 City Attorney or his authorized associate. Each such deputy
 15 shall each make a written accounting to the Superintendent of
 16 his disposition of the Notice of Violation forms issued to him.
 17 The Superintendent shall each month make a written report to the
 18 Board of Works, with copies to the City Clerk and the City
 19 Attorney, of the disposal made by his said deputies of the
 20 Notice of Violation forms issued to them. These reports shall
 21 be public records.
 22

23 Sec. 24-8. Prohibited Damage to City Property.
 24 It shall be unlawful for any unauthorized person, firm, or
 25 corporation to maliciously, willfully, or negligently break,
 26 damage, destroy, remove, deface, or tamper with any structure,
 27 appurtenance, or equipment which is part of or belongs to the
 28 Water Pollution Control Plant of the City.
 29

30 Article II. Prohibited Industrial Discharges
 31 Sec. 24-9. Prohibitions and Limitations. Except as herein-
 32 after provided, no person shall discharge or cause or permit to
 be discharged into any public sewer any of the following de-
 scribed substances, wastes or waters:

- 3 -101. Any liquid or vapor having a temperature greater
4 than 140° Fahrenheit.
5 -102. Any waters or wastes containing more than 100
6 milligrams per liter of fats, oils, greases or
7 waxes.
8 -103. Any gasoline, benzene, naphtha, fuel oil or
9 mineral oil or any other flammable or explosive
10 liquid, solid or gas.
11 -104. Any noxious or malodorous gas or substance which,
12 either alone or by interaction with other wastes,
13 is capable of creating a public nuisance or hazard
14 to life or of preventing entry into sewers for
15 their maintenance and repair.
16 -105. Any garbage that has not been properly ground.
17 -106. Any ashes, cinders, sand, mud, straw, shavings,
18 wood, metal, glass, rags, feathers, tar, plastics,
19 paunch manure, butchers' offal or any other solid
20 or viscous substances capable of causing obstruc-
21 tion to the flow in sewers or other interference
22 with the proper operation of the sewerage system
23 or the Sewage Treatment Plant.
24 -107. Any waters or wastes having a pH lower than 6 or
25 higher than 10, or having any other corrosive
26 property capable of causing damage or posing
27 hazards to the structures, equipment or personnel
28 of the Sewage Utility.
29 -108. Any waters or wastes containing toxic substances,
30 as defined under Section 307(b) and (c) of the
31 Clean Water Act in sufficient quantity to inter-
32 fere with the biological processes of the Sewage

- 3 Treatment Plant or that will pass through the
4 Plant into the receiving stream in amounts ex-
5 ceeding the standards set by federal, interstate,
6 state, or other competent authority having juris-
7 diction, or will prevent the disposal of the
8 sludges by the Plant in accordance with Section
9 405 of said Act.
10 -109. Any toxic radioactive isotopes, without a special
11 permit. The radioactive isotopes I 131 and P 32
12 used in hospitals are not prohibited, if they are
13 properly diluted before being discharged into
14 the sewerage system, as further defined in Rules
15 and Regulations.
16 -110. Any waters or wastes that for a duration of 15
17 minutes or more have a concentration more than
18 5 times the average concentration of the BOD or
19 the suspended solids of the user's sewage dis-
20 charged during a twenty-four hour period of
21 normal operation.
22 -111. Any waters or wastes containing suspended solids
23 of such character and quantity that unusual pro-
24 vision, attention and expense would be required
25 to handle such materials at the Sewage Treatment
26 Plant, its pumping stations or other facilities.
27 -112. Any waters or wastes containing incompatible
28 pollutants as defined herein.
29 -113. Any toxic ions, compounds or substances exceeding
30 the amounts of concentrations as set out below,
31 or as set out in any categorical pretreatment

standard of a federal, interstate, state, or local authority whichever is more stringent.

<u>CONSTITUENT</u>	<u>CONCENTRATION (mg/l)</u>
Arsenic	0.10
Barium	2.00
Cadmium	0.50
Chromium (total)	2.50
Chromium (Hexavalent)	0.50
Copper	2.00
Fluoride	2.00
Iron	5.00
Lead	0.50
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	5.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00

<u>CONSTITUENT</u>	<u>CONCENTRATION (mg/l)</u>
Cyanide	1.00
Phenol	0.50
Chlorine	10.00

-114. The City reserves the right to refuse connection to any prospective user in the event the sewage service requirements of said user, in the judgment of the Board of Works, could impose an excessive burden on the utility. The City further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of such emergency.

Sec. 24-10. Responsibility for Obstructing or Damaging Sewers.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall reimburse the City for the expenses incurred by the City for cleaning out, repairing or rebuilding the sewer.

Sec. 24-11. Special Agreements.

Notwithstanding any other provisions of this Chapter, the City may enter into a special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by such person.

Article III. Permitted Commercial and Industrial Wastes

Sec. 24-12. Prior Approval for Certain Wastes.

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any industrial class customer of sewage whose wastes have:

- 101. A BOD greater than 220 milligrams per liter or COD greater than 440 milligrams per liter when BOD cannot be measured or when COD measurements result in a higher charge.
- 102. A suspended solids content greater than 250 milligrams per liter.
- 103. A phosphorus content greater than 10 milligrams per liter.
- 104. Other contaminants which from their nature or quantity (a) will interfere with the operation of the Sewage Utility, including interference with its use or disposal of sludge; (b) will pass through the treatment works or otherwise be incompatible with such works; (c) will prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

Sec. 24-13. Pratreatment Facilities: - in General.

When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be

necessary to render his wastes acceptable for admission to the public sawers.

Sec. 24-14. Pretraatment Facilities: - Prior Approval.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the Superintendent, with the approval of the Board of Public Works, has given his written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

Sec. 24-15. Pretreatment Facilities: - Operation.

Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records which shall be reasonably open to inspection by the City, and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the Superintendent may require.

3 Sec. 24-16. Grease and Sand Traps.

4 Whenever the Superintendent determines that the intercept-
5 tors or traps are needed to protect the sewerage system or
6 the operations of the Sewage Treatment Plant from grease, oil,
7 sand or similar substances occupying in a user's sewage and so
8 notifies the user, then such traps shall be promptly installed
9 by the user on his own lines at his own expense and shall be
10 so maintained by him that none of such substance can be car-
11 ried over into the public sewers. All traps shall meet the
12 City's standards as to construction, location and installa-
13 tion.

14 Article IV. Control of Admissible Industrial Wastes

15
16 Sec. 24-17. Submission of Data on Industrial Wastes.

17 (a) Any person who discharges industrial wastes
18 into the City's sewerage system, either directly or indirectly,
19 shall, upon the written request of the Superintendent
20 forthwith fill out and file with the Superintendent an
21 Industrial Waste Questionnaire, the form for which will be
22 furnished by the City, in which he shall set out the quantity
23 and characteristics of the wastes discharged into the City's
24 sewerage system. Any person desiring to establish a new con-
25 nection to a public sewer for the purpose of discharging in-
26 dustrial wastes shall first fill out and file such a question-
27 naire, which shall set out actual or predicted data relating
28 to the quantity and characteristics of the wastes to be dis-
29 charged.

30 (b) When special circumstances such as the size or
31 complexity of his sewage disposal problem would make complying
32 with the time schedule cited above an unreasonable burden on

3 the person, an extension of time, not to exceed ninety days,
4 may be granted by the Superintendent upon presentation of a
5 proper application.

6
7 Sec. 24-18. Control Manholes.

8 Any person who discharges or may discharge industrial waste
9 into a public sewer via any means such as floor drains, sinks,
10 catch basins, etc., shall be required by the Superintendent to
11 construct and maintain at his own expense one or more control
12 manholes, at a specified location or locations, to facilitate
13 the observation, measurement and sampling of his wastes. Such
14 manholes shall be constructed in accordance with the standards
15 and specifications of the City. The Superintendent may also
16 require the person to install and maintain in any such manhole
17 at said person's expense an approved volume-measuring device
18 providing said person may be classified as a major industrial
19 user. Plans for the installation of control manholes and re-
20 lated equipment must be approved by the Superintendent before
21 construction is begun.

22 Sec. 24-19. Waste Sampling.

23 (a) Any industrial wastes discharged into the
24 public sewers shall be subject to periodic inspection and de-
25 termination of character and concentration. The examination
26 shall be made as often as the Superintendent deems it appro-
27 priate and may include the use of suitable continuously moni-
28 toring instruments in appropriate cases. Samples shall be
29 collected either manually or by approved mechanical devices
30 and in such a manner as to be representative of the overall
31 composition of the wastes.

(b) The installation, operation, and maintenance of sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted at all times to the Superintendent.

(c) Where a person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person or persons shall make the necessary arrangements with their security guards that upon showing proper identification personnel from the City will be permitted to enter, without delay for the purpose of obtaining samples of wastes or monitoring of wastes being discharged at various sampling points or the person or persons shall install suitable sampling manholes outside of security limits, which at all times be immediately available to City personnel.

Sec. 24-20. Waste Analyses.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants" as set forth in Federal Register 40 CFR 136 dated October 16, 1973. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user. In the event of a dispute between the Superintendent and the user as to the character, strength, toxic nature or other particulars of samples taken and analyzed by the City either party may require that samples in dispute be analyzed by a mutually

acceptable referee whose charges will be paid by the party requesting analysis. Analyses made by the City at the request of the user shall be charged to the user according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

Sec. 24-21. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article V. Service Charges Based on Water Usage

Sec. 24-22. Water Obtained from the City's Water Utility.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based

upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-23. Water Obtained From Other Sources.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.

Sec. 24-24. Exempt Water - General.

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-25. Metering of Sewage.

The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.

Sec. 24-26. Exempt Water Sprinkling.

A residential water consumer shall be billed for sewage service beginning with the billing of District 19 on or about July 1 and ending with the billing District 17 on or about October 1, as follows: The monthly sewage charge shall be the lesser of a charge based on the actual or estimated water consumption or a charge based on twice the consumer's average monthly consumption during the prior bi-monthly meter reading period. This bi-monthly period begins with the reading or estimating of District 19 on or about March 15. A new account without a bi-monthly meter reading period prior to the exempt water sprinkling period shall be billed the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the minimum sewage rate during the sprinkling period. A water consumer without an actual read at the end of the exempt water sprinkling period shall be allowed a sewer credit based on an average monthly usage as computed from the date of the Utilities' last actual read to the date of the Utilities' actual read made after the end of the exempt water sprinkling period. In no case, shall the sewage charge be less than the minimum for the water meter size

installed. The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose.

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

- Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	17.1	17.1
Conveyance, Collection, Billing	16.6	10.8
Capital	10.7	8.1
Total User Charge	44.4	36.0

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27. does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.22
1 - 1 1/2"	7.83
2"	15.98
3"	32.10
4"	53.36
6" or larger	148.21

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.44	\$ 5.33
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based on upon outfall measurements where available.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	17.1
Capital Charge	<u>10.7</u>
	27.8

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.50 and a monthly surveillance charge of \$75.00.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	3.587
Biochemical Oxygen Demand - (BOD)	3.582
Phosphorus - (P)	34.324

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec.204(b)(1) Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-2, 35-928-1 and 35-928-2, and 35-925-13.

3 Sec. 24-31. Bulk Waste Charges.

4 Industrial - For all industrial waste picked up from customer
5 and hauled in City's vehicles to plant - \$148.75
6 per load.

7 Domestic - For all domestic waste delivered to plant by cus-
8 tomer's truck or tank - \$21.75 per load. For
9 purposes of computing charges hereunder, a load
10 is defined as 1,000 gallons of tank capacity
11 or fraction thereof.

12 Sec. 24-32. Annual Review of Service Charges.

13 Prior to May 1 of each year, the General Auditor of the City
14 Utilities and an independent certified public accountant em-
15 ployed for that purpose shall submit to the Board of Public
16 Works a comparison of the calculated unit cost for flow, re-
17 moval of BOD, suspended solids, and phosphorus per year, with the
18 unit charges currently in effect from which the Board shall de-
19 termine whether the current service charges and surcharges are
20 adequate or should be changed. The methodology utilized in
21 developing this cost comparison shall include:

22 1. A system including the distribution of the
23 cost of operation and maintenance of the treatment works of the
24 WPC Utility to each user class in proportion to such user's
25 contribution to the total waste loading of the treatment works.
26 Factors such as strength, volume, and delivery flow character-
27 istics shall be considered and included as the basis for the
28 user's contribution to insure a proportional distribution of
29 operation and maintenance and replacement costs to each user
30 class.

31 2. Total annual service charges and surcharges
32 collected from each individual user class shall be deemed
sufficient if said charges have generated during the prior

3 operating period sufficient revenue to offset the cost of all
4 treatment works operation and maintenance provided by the
5 Utility, including cost of management, system repair and re-
6 placement, debt retirement and other costs incidental to the
7 Utility Operation attributable to such class.

9 Article VII. Strength-of-Wastes Surcharge

11 Sec. 24-33. Liability for Surcharge.

12 Each user discharging wastes into the sewerage system shall
13 be subject to a strength of wastes surcharge, in addition
14 to other sewage service charges imposed by this ordinance,
15 based on the following minimum strength characteristics to
16 the extent that such wastes are in concentrations greater than
17 as follows:

- 18 a. Biochemical oxygen demand of 220 milligrams
19 per liter.
- 20 b. Chemical oxygen demand of 440 milligrams
21 per liter.
- 22 c. Suspended solids content of 250 milligrams
23 per liter.
- 24 d. Phosphorus content of 10 milligrams per liter.

26 Sec. 24-34. Computation of Surcharge.

27 The surcharge shall be determined as follows:

- 28 a. The excess pounds of BOD or COD (whichever
29 results in the higher charge) suspended solids, and phosphorus
30 will each be computed by first multiplying the user's billing
31 sewage volume measured in units of 100 cubic feet for the cur-
32 rent billing period by the factor 0.0062321 and then multiplying

3 this product by the difference between (a) the concentrations
4 measures in milligrams per liter of the BOD (or COD), suspended
5 solids, and phosphorus respectively in the user's sewage and
6 (b) the allowed concentrations set out in Section 24-33. The
7 surcharge for each constituent will then be determined by mul-
8 tiplying the excess pounds of each constituent by the appropri-
9 ate rate of surcharge set out in Section 24-35. In the event
10 COD measurement is used, as hereinbefore provided, 50% of the
11 excess pounds measured will be used to compute the equivalent
12 BOD charge.

13
14 Sec. 24-35. Rates of Surcharge.

15 The rate of surcharge for each of the aforementioned constituents
16 shall be as follows:

- | | | |
|----|--|--------------|
| 17 | a. For biochemical oxygen demand - (BOD) | 3.582 cents |
| | | per pound |
| 18 | b. For suspended solids (SS) | 3.587 cents |
| 19 | | per pound |
| 20 | c. For phosphorus (P) | 34.324 cents |
| | | per pound |

21
22 Sec. 24-36. Waste Evaluation Charges.

23 All users discharging wastes into the system requiring continu-
24 ing surveillance sampling and waste evaluation shall be subject
25 to a monthly fixed charge to cover the costs of such services in
26 the amount of \$75.00 per discharge point.

27
28 Sec. 24-37. Revision of Rates of Surcharge.

29 Prior to May 1 of each year, the General Auditor of the City
30 Utilities and an independent certified public accountant em-
31 ployed for that purpose shall submit to the Board of Public
32 Works a comparison of the calculated unit costs for removing

3 BOD, suspended solids, and phosphorus from the Sewage Treatment
4 Plant influent during the previous calendar year with the unit
5 charges currently in effect in order that the Board may deter-
6 mine whether the current rates of surcharge are adequate or
7 should be changed and request legislative enactment of said
8 changes by the Common Council.

9
10 Article VIII. Billing of Service Charges

11
12 Sec. 24-38. Billing Period.

13 Charges for sewerage service shall be prepared and billed by
14 the General Office of the City Utilities along with the bills
15 for water service and shall be payable at the General Office
16 at the same time as the water bills.

17
18 Sec. 24-39. Liability for Payment.

19 The charges for sewerage service shall be billed to the person
20 being billed for water service unless, by contract with the
21 Utility, another person assumes such responsibility. If a
22 tenant is billed, the owner shall not thereby be relieved of
23 liability in the event payment is not made by the tenant as
24 herein required but such owner shall save City harmless from
25 any loss due to the delinquency of his said tenant. Such owner
26 shall have the right to examine the City's collection records
27 to ascertain whether such charges have been paid and the
28 amount thereof.

29
30 Sec. 24-40. First Billings.

31 The rates, charges and surcharges fixed in this Chapter shall
32 extend to and cover any additional premises hereafter served,

without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

Sec. 24-41. City Subject to Charges.

For sewerage service rendered to the City, or any department, structure or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-42. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Article IX. Delinquent Accounts

Sec. 24-43. How Delinquencies Arise.

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on

the bills. Any service charge not paid by the due date shown shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.

Sec. 24-44. Collection Through Shutting Off Water Service.

Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, if identifiable, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.

Sec. 24-45. Collection Through the Tax Duplicate.

As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property serviced through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

Sec. 24-46. Collection Through Court Actions.

In addition to the foregoing remedies, the City has the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fees. It also has the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 24-45, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fees.

Article X. Accounting for Sewerage Service Charges

Sec. 24-47. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

SECTION 2. Severability. The invalidity of any section, sentence, clause or provision in this Ordinance shall not affect the validity of any other section, sentence, clause or provision of this Chapter which can be given meaning without such invalid part or parts.

SECTION 3. All Ordinances or parts of Ordinances and sections of the 1974 City Code in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.

Paul M. Burns
COUNCILMAN

1278

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-14-80 on the 22nd day of July, 1980

ATTEST:

(SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-22(Corrected)(AS AMENDED)
SPECIAL ORDINANCE S-81-80

AN ORDINANCE fixing the salaries of each and every appointive officer, employee, deputy, assistant, departmental and institutional head of the Civil City of Fort Wayne, Indiana for the year 1981.

WHEREAS, the Mayor and the Common Council of the City of Fort Wayne, Indiana, have assigned to each employee of the Civil City of Fort Wayne a labor grade according to the classification system originally established by Ordinance No. S-84-73, which grades accurately reflect the duties and responsibilities of said employees; and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each employee of the Civil City of Fort Wayne, according to labor grade; and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that salaries are fair and equitable, and provide an incentive for persons to seek and hold employment with the City of Fort Wayne, and

WHEREAS, the funds for such salaries are to be provided from the 1981 City Budget and other sources as may be specified by the Common Council.

NOW THEREFORE, BE IT ORAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That all employees of the Civil City of Fort Wayne, Indiana, shall be classified by departments, titles, and labor grades, and that no change shall be made in any title or in any labor grade level without approval of the Common Council. Further, no employee shall be regraded or retitled during 1981 unless the employee is promoted and no new positions shall be created without approval of the Common Council.

SECTION 2. That the following positions shall be authorized for Labor Grades 15 through 20 and unclassified and that employees filling these positions shall not be paid in excess of the salary specified herein:

TITLE	LABOR GRADE	1981 SALARY
Mayor	20	\$ 32,000
Controller	19	31,107
Chairman, Board of Works	19	31,107
Director, C D & P	18	27,874
Manager, Airport	18	29,653
Director, Parks & Rec.	18	27,046
Executive Dir., Redevelpmt. Comm.	18	30,838
Chairman, Board of Safety*	18	26,800
Member, Board of Works (2)	18	24,433
Administrative Assistant	17	19,500 19,250
Chief of Police	17	25,481
Chief of Fire Department	17	25,481
Deputy Controller	17	24,465
Deputy Director, RDC	17	20,887

22	Director of Planning, C D & P	17	25,984
23	Executive Director, MHRC	17	23,427
24	Director, Purchasing	16	22,900
25	Executive Assistant	16	18,599
26	Senior Planner (3)	16	20,790
27	Street Engineer	16	25,174
28	Traffic Engineer	16	23,950
29	Legal Advisor, Police	16	23,600
30	Assistant Chief, Police	16	22,205
31	Federal Funds Administrator	15	22,378
32	Assistant Chief, Fire (7)	15	21,089
	Citizens Advocate	16	18,599

	<u>TITLE</u>	<u>LABOR GRADE</u>	<u>1981 SALARY</u>
3			
4	Assistant Superintendent, Parks (2)	15	\$ 20,952
5	Business Manager, Parks	15	20,527
6	Chief Communications	15	21,112 21,112
7	Deputy Chief, Police (3)	15	21,112
8	Internal Auditor	15	20,310
9	Attorney, City Council	U	19,280
10	City Attorney	U	22,518 22,518
11	Associate City Attorney (6)	U	12,796 12,796
12	City Clerk	U	17,000
13	Council Members (9)	U	5,500

SECTION 3. That employees filling positions classified as Labor Grade 1 through 14 shall not be paid in the excess of the maximum salary fixed for that Labor Grade as follows:

	<u>LABOR GRADE</u>	<u>1981 MAXIMUM SALARY</u>
17		
18	1	\$ 9,413
19	2 - Parking Attendant	10,548
20	3 - Clerk Typist, Violation Teller, Information Specialist, Clerk - Dispatcher, Kennel Worker, Night Kennel Worker, Custodian (Aviation), Utility Person, Recruit (Police)	11,659
21		
22	4 - Secretary C, Executive Secretary C, Terminal Police (Aviation), Junior Equipment Operator (Aviation), Parking Control Officer III, Secretary/Receptionist C	12,099
23		
24		
25	5 - Receptionist - Secretary B, Executive Secretary B, Secretary B, Assistant Secretary B , Mechanics Helper, Garbage Crew Helper, Gardener Helper, Greenhouse Grower, Gardener B, Park Cleaning Route Helper, Secretary B/Bookkeeper, Tree Crew Helper, Grounds Maintenance Helper/Park Mowing Route Helper, Recreation Leader A	12,821
26		
27		
28		
29	6 - Receptionist A, Accounting Clerk, Secretary A, Personnel Supervisor (Confidential), Assistant Inspector (Weights & Measures), Equipment Operator (Aviation), Water Filtration & Softener Plant Operator (Trainer, Aviation), Ball Diamond Route Person, Executive Secretary A, Grounds Maintenance B/Boulevard Route Person, Greenhouse Attendant, Custodian, Park Person C,	13,568
30		
31		
32		

LABOR GRADE

6 (cont.)

Garbage Truck Operator, Golf Course Person,
Ice Rink Maintenance, Grounds Maintenance 8/
Park Cleaning Route Person, Recreation Director,
Relief Person, Grounds Equipment Operator,
Grounds Equipment/Tractor Operator, Plant
Propagator (Park)

7 - Executive Secretary, Bookkeeping - Machine Operator, 14,120
Minute Record & Status Clerk, Office Administrator -
Civilian Personnel Police, Painter 1st Class,
Education Specialist (Humane Shelter), Utility
Person, EMT - Basic (BLS), Chief Custodian
(Aviation), Senior Laborer (Aviation), Construction
and General Maintenance Helper, Carpenter and
General Maintenance Worker, Gardener, Office
Administrator (Park), Park Person B, Painter B/
Painter Helper, Plumber B/Plumber Helper,
Recreation Stocker, Special Equipment Operator,
Legal Secretary, Assistant Citizen's Advocate

8 - Accountant and Bank Reconciliation, ~~Chief Deputy~~ 14,592
~~City Engineer~~, Mechanic, Humane Officer, Humane
Officer - Technician, Carpenter (Aviation),
Heavy Equipment Operator (Aviation), Parking
Control Officer II, Work Leader (Parking Garage),
Draft Person/Drafting Technician B (Park),
Electrician, Fleet Mechanic, High Ranger Operator,
Landscape Work Leader/Landscape Foreman, Horticul-
tural/Floriculturist, Mason Carpenter, Painter,
Park Person, Grounds Maintenance A/Park Mowing
Route Person, Park Service Officer, Plumber (Park),
Supervisor C, Small Motor Mechanic (Park), Stockroom
Keeper (Park), Welder (Park), Zoo Attendant,
Mechanic (Police), Carpenter and General Maintenance

9 - Barrett Law Accountant, Buyer - Purchasing, 16,449
Administrative Assistant to the Director of
City Participation, Equal Employment Opportunity
and Affirmative Action Officer, Records Bureau-
Civilian Police Technician, Darkroom Technician/
Supervisor, Darkroom Technician, Dispatcher,
Painter (Park), Probationary Dispatcher, Park
Person, Sergeant, Mason Carpenter (Park), Data
Processing Technician, Special Humane Officer,
Heavy Equipment Operator (Park), Captain, Grounds
Maintenance, Firefighter and Police Officer
(Aviation), Parking Control Officer I, Golf Pro,
Public Information Officer, Administrative
Assistant - Research Analyst, Supervisor C (Park),
Working Leader (Park), Working Group Leader,
General Curator and Animal Education, EMT,
Advances (ALS), Intake Investigator, Park Service
Officer, Park Planner/Administrative Assistant

LABOR GRADE

1981 MAXIMUM SALARY

10 - Human Relations Representative, Inspector A, \$ 18,385
Assistant Zoning Enforcement Officer,
Engineering Technician, Engineer Assistant,
Superintendent of Police Garage, Patrolman
(Police), Signal Apprentice (Electrician),
Shift Supervisor (EMS), Assistant Supervisor-
Roads and Grounds (Aviation), Lieutenant-
Police and Fireman/Crash (Aviation), Golf Pro-
Greenskeeper (McMillen Park), Buyer (Purchasing),
Recreation Supervisor B (Theatre Manager), Park
Supervisor B, Supervisor B (Park), Firefighters,
Project Technician, Contract Compliance Officer,
Chief Deputy City Clerk

11 - Chief Investigator/Conciliation Specialist, 19,023
Conciliation Compliance Officer, Sergeant,
Lieutenant, Technician (Communications),
Signal Electrician, Director - Senior Citizen's
Center - Supervisor A, Parks Supervisor A -
Construction and Repair, Supervisor A - Director
of Special Services (Lawton Office), Engineer
(Planner Parkitecture Supervisor A), Park
Supervisor A, Supervisor B - Recreation - Director
of Playgrounds and Recreation Centers, Supervisor
B - Director of Camping and Outdoor Education
(Franke Day Camp), Platoon Captains (Fire),
Captains (Fire), Lieutenants (Fire), Lieutenants
(Communications)

12 - Assistant Director of Purchasing, Administrative 19,797
Assistant (CD&P), Land Use Administrator,
Assistant Planner (Sub-Area Planning), Assistant
Planner (Design), Zoning Enforcement Officer,
Junior Engineer, Lieutenants (Police), Inspector
(Weights and Measures), Manager Humane Shelter,
Captain - Police, Fire, Crase (Aviation), Senior
Mechanic (Aviation), Superintendent Water Plant
(Aviation), Senior Roads - Grounds Supervisor -
(Aviation), Captains (Communications), Captains
(Police), Platoon Captains (Fire)

13 - Financial Accountant, Clerk to the Board of Works, 20,987
Land Acquisition Agents, Director of Citizens
Participation, Captain (Police), Assistant Chief-
Technical, Chief Dispatcher, Chief Technician,
Signal Foreman, Assistant EMS Director,
Assistant Airport Manager - Operation, Assistant
Manager - Office and Finance, Chief - Crash - Fire-
Rescue and Police, Senior Electrician, Parking
Administrator, ~~Assistant Police Officer~~, District
Chiefs (Fire), Financial/Relocation Specialist,
Sign and Marking Supervisor

14 - Deputy Director (MHRC), Staff Attorney (MHRC), 22,095
Associate Planner (Urban Form), Project Engineer,
Chemist, ~~Police Officer~~, Civil Defense Director,
Assistant Traffic Engineer, Project Engineer,
EMS Director, Assistant Airport Manager, Zoo
Director, ~~Police Officer~~, Signal Superintendent/
Jr. Engineer

~~Section 3:~~ Section 3:

~~A. All sworn officers, up to and including Captains, regularly assigned to "B" and "C" shifts of the Fort Wayne Police Department, shall receive a shift differential as follows:~~

- (a) ~~Those regularly assigned to "B" shift, or any shift beginning between 12 Noon and 3:00 P.M. shall have added to their regular determined earnings 5% of the base patrolman's salary for such pay period.~~
- (b) ~~Those regularly assigned to "C" shift, or any shift beginning between 9:00 P.M. and 12 Midnight, shall have added to their regular determined earnings 10% of the base patrolman's salary for each pay period. Those eligible for the shift differential shall not include patrolmen with less than six months seniority, civilian employees, any officers regularly assigned to the Communications Department or the Department of Traffic Engineering. In no event shall the base salary of a first class patrolman, within the meaning of Burns Indiana Statutes Section 48-6403, be considered as including the shift differential for police pension purposes.~~

~~A~~ Technician classifications for police officers are established to reflect greater responsibilities and pay rates over other basic officers as determined by department management. Technician adds are as follows to a limited total of \$24,400:

Technician I Rating	\$700 per year
Technician II Rating	\$400 per year
Detective I Rating	\$500 per year
Detective II Rating	\$300 per year

Detective II rating and bonus shall be given to all police officers who are classified as Detectives and who have completed (2) two years of service in the Detective Bureau. Detective I rating and bonus shall be given as deemed appropriate by the Chief of Police. In no event shall the base salary of a first class patrolman, within the meaning of Burns Indiana Statutes Section 48-6403, be considered as including the technician pay for police pension purposes.

~~B~~ All sworn personnel of the Fort Wayne Police Department being regularly employed as police officers shall receive monetary incentive for successfully completing courses at an accredited college or university as follows:

- (a) From 1 - 60 semester hours, or 1 - 90 quarter hours the officer shall receive a bonus of \$10 per year for every semester or quarter completed with a grade "C" or better.
- (b) In excess of 60 semester hours or 90 quarter hours, the officer shall receive a bonus of \$10 per year for every semester hour completed with a grade "C" or better.
- (c) An additional bonus of \$300 per year shall be granted to all officers receiving a four-year baccalaureate degree or its equivalent. Those receiving a two-year degree or its equivalent, shall receive a bonus in the amount of \$150. In no case shall the bonus for an earned degree exceed \$300 or a total bonus for any one officer exceed \$1,500.

- (d) Those attending police oriented seminars, conferences, institutes, or schools shall receive 1/2 semester or 3/4 quarter hour of credit upon successful completion of the course.

The bonus shall be added to the officer's regularly determined earnings. In no event shall the base salary of a first class patrolman, within the meaning of Burns Indiana Statutes Annotated Section 48-6403, be considered as including the educational bonus for police pension purposes. Those eligible for the educational incentive program shall not include officers regularly assigned to the Communications Department or the Department of Traffic Engineering.

SECTION 4. That employees covered by bargaining units will receive a salary established by collective bargaining between the official representatives of management and labor, so long as the negotiated salaries do not exceed the maximum salary authorized in Section 3 above.

SECTION 5. That exempt employees in Labor Grades 1 through 14 and unclassified employees shall receive salary increases which approximate those increases achieved through the collective bargaining process for similar type positions.

SECTION 6. That the agreements achieved as a result of Section 4 above will be submitted to the Common Council prior to the adoption of the 1981 Budget Appropriation Ordinance.

SECTION 7. That it is the policy of the City of Fort Wayne to insure meaningful and conscientious collective bargaining which results in fair and equitable wages for all employees of the City.

23 SECTION 8. That from and after the first day of January 1, 1931,
24 all appointive officers, employees, deputies, assistants, departmental
25 and institutional heads of the Civil City of Fort Wayne, Indiana be
26 paid according to this, the above, and the following provisions of this
27 ordinance, subject to budgetary provisions.

28 SECTION 9. All departments must conform to Personnel policies as
29 approved by the Mayor and administered by the City's Personnel Department.

30 SECTION 10. If any section, clause, sentence, paragraph, part or
31 provision of this ordinance shall be held invalid, it shall be conclusively
32 presumed that this ordinance would have been passed by the Common Council

3 without such invalid section, clause, sentence, paragraph, part or
4 provision.

5 SECTION 11. This Ordinance shall be in full force and effect from
6 and after its passage and approval by the Mayor.

7
8 James S. Stier
9 COUNCILMAN

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

D. Schmidt

Date: 7-29-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-81-80 on the 29 day of July, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day of July, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 31st day of July, 1980, at the hour of 9:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-23

SPECIAL ORDINANCE NO. S-82-80

AN ORDINANCE ratifying and authorizing
the implementation of the 1980 Wage Agreement
between the City and the Fort Wayne Patrolmen's Benevolent
Association

WHEREAS, the City and the Fort Wayne Patrolmen's Benevolent Association began negotiating a Collective Bargaining Agreement, pursuant to Special Ordinance No. 15678, in the Spring of 1979 and entered into such agreement as to all matters except wages, on March 12, 1979;

WHEREAS, the wage provision thereof went to arbitration and was not finally settled until May 15, 1980, too late to be reflected in the 1980 salary ordinance duly enacted, pursuant to statute on July 31, 1979;

WHEREAS, such Wage Agreement calls for a wage increase of two (2%) percent of base salaries, effective as of July 1, 1980, for all personnel covered by the police pension funds, plus all other personnel doing identical work except those who are members of the Fraternal Order of Police (who are negotiating a separate agreement as to their members).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That said Wage Agreement, dated May 15, 1980 be and the same is hereby ratified, confirmed and approved and further is made and shall hereafter be deemed to be a part of the Collective Bargaining Agreement between the City and the Fort Wayne Patrolmen's Benevolent Association, dated March 17, 1979, heretofore ratified by this body.

SECTION 2. That the Mayor, the City Controller and the Board of Public Safety and all other officials of the City having jurisdiction in the premises are hereby authorized and directed to take all necessary and appropriate steps to implement and cause to be implemented the provisions of said Wage Agreement dated May 15, 1980.

SECTION 3. That to whatever extent this ordinance is deemed to conflict with Special Ordinance No. S13079 (the 1980 salary ordinance) adopted July 31, 1979, the latter shall be deemed amended hereby.

SECTION 4. That this ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinat, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-82-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-24

SPECIAL ORDINANCE NO. S-83-80

AN ORDINANCE ratifying and authorizing
the implementation of the 1980 Wage Agreement
between the City and the Fort Wayne Professional
Fire Fighters Union

WHEREAS, the City and the Fort Wayne Professional Fire Fighters Union began negotiating a Collective Bargaining Agreement, pursuant to Special Ordinance No. S15678, in the Spring of 1979 and entered into such agreement as to all matters except wages, on December 14, 1979,

WHEREAS, the determination of the wage provision thereof was held up pending completion of the City/P.B.A. wage arbitration which was not finally settled until June 4, 1980, and too late to be reflected in the 1980 salary ordinance duly enacted, pursuant to statute, on July 31, 1970,

WHEREAS, such Wage Agreement calls for a wage increase of two (2%) percent of base salaries, effective as of July 1, 1980, for all fire fighters plus all civilian personnel performing identical work;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That said Wage Agreement, dated June 4, 1980 be and the same is hereby ratified, confirmed and approved and further is made and shall hereafter be deemed to be a part of the Collective Bargaining Agreement between the City and the Fort Wayne Professional Fire Fighters Union dated December 14, 1979, heretofore ratified by this body.

SECTION 2. That the Mayor, the City Controller and the Board of Public Safety and all other officials of the City having jurisdiction in the premises are hereby authorized and directed to take all necessary and appropriate steps to implement or cause to be implemented the provisions of said Wage Agreement dated June 4, 1980.

SECTION 3. That to whatever extent this ordinance is deemed to conflict with Special Ordinance No. S13079 (the 1980 salary ordinance) adopted July 31, 1979, the latter shall be deemed amended hereby.

SECTION 4. That this ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinat, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-83-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-25

SPECIAL ORDINANCE NO. S-84-80

AN ORDINANCE approving a contract
with Allen County Motors for the
purchase of a truck for the Traffic
Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract with Allen County Motors for purchase of one one-ton truck, cab and chassis with utility body and hydraulic lift at a price of \$29,504.00 for use by the Traffic Engineering Department, as more particularly set forth in bid No. 933A on file in the Office of the Department of Purchases, which is by reference incorporated herein and made a part hereof, be and the same hereby is ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-84-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-26

SPECIAL ORDINANCE NO. S-85-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-08651 with Allen County
Tractor Sales, Inc. for equipment for the Street
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 408651 dated July 2, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Allen County Tractor Sales, Inc. for the purchase of one Ford A62, 1980 Front End Loader with Rops, Cab to be used in the Street Department at a cost of \$33,162.91 from 1980 Revenue Sharing Fund, all as more particularly set forth in said Purchase Order, which is on file in the Office of

the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckoks, D. Schmidt, V. Schmidt

Date: 8-12-80
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-85-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-27

SPECIAL RESOLUTION NO. R-60-80

A RESOLUTION providing for the payment of overtime pay to members of the police department, for overtime work in connection with the "Vernon Jordan incident"

WHEREAS, Section 1, Public Law 281, Acts of 1947 (I.C. 19-1-16-1) authorizes the Common Council to fix a rate at which a member of the police department is to be compensated when he is "requested or required to perform service outside the limits of his regular eight (8) hour shift";

WHEREAS, recently a major and unexpected emergency occurred in the City of Fort Wayne in connection with the "Vernon Jordan incident" which commenced on May 29, 1980 continuing through June 1, 1980, which required the services of every available member of the police department, regardless of total hours previously worked by particular officers, the result being the accumulation of many hours of overtime work by many members of the department;

WHEREAS, the manpower of the police department is currently not such as to lend itself efficiently to the use of compensatory time off as a method of compensating such officers for such overtime work;

WHEREAS, it is the sense of this body that such work should not go uncompensated, and that a reasonable compensation for said overtime for all members would be 1 1/2 times the officer's regular rate of pay, which would amount to the total sum of \$24,932.68 for all such members as set forth in a schedule prepared by the Police Department and attached hereto.

WHEREAS, there are unexpended funds in the salary and wages account of the Police Department sufficient to pay said overtime at said rate which it is presently anticipated will not be needed for expenditures this fiscal year.

WHEREAS, this body has on a number of prior occasions approved collective bargaining agreements containing provisions for the payment of overtime pay;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, in addition to the base salary and all other forms and items of compensation now prescribed, there shall be paid to every member of the police department, overtime compensation at the rate of 1 1/2 times the officer's regular rate of pay for all hours of work in excess of eight (8) hours per day accumulated in connection with the "Vernon Jordan incident" as set forth on the attached schedule.

SECTION 2. Such "overtime pay" totalling of sum of \$24,932.68 shall be charged to the "salaries and wages, regular" account number 4020100144111 of the current budget of the police department.

SECTION 3. The City Controller shall remit the overtime pay, so earned and certified, to each member of the police department entitled to it either by adding the amount thereof to his regular pay check or by issuing an additional pay check not later than fifteen (15) days after the adoption of this resolution.

SECTION 4. That this resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-60-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-61-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-29

RESOLUTION NO. R-61-80

a A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$8,500,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Jacobson Stores Realty Company, a Michigan Corporation, ("Corporation") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that they propose that the Issuer loan proceeds of an economic development financing to the applicant Corporation for the purposes of acquiring, constructing and equipping an economic development facility, said economic development facility to be a department store comprising approximately 90,000 square feet for sale of high quality software merchandise to be located in Covington Plaza Shopping Center on U. S. Highway 24 West located in Wayne Township (on an approximate 8.078 acre tract of land) ("Project") and

WHEREAS, the diversification of industry and increase in job opportunities (310 new jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, (is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.
2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$8,500,000.00 of the Issuer under the Act to acquire, construct, and equip the Project, will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and

equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project and the Issuer will sell the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinat, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-61-80 on the 12th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-06-13

ZONING MAP ORDINANCE NO. Z-21-80

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. N-46

1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-A District under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. N46, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

A part of the Southwest Quarter, Section 12, Township 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows:

Beginning at a point 1,421.8 feet north of the centerline of Cook Road and 30 feet east of the centerline of Coldwater Road; thence North 00 degrees, 38 minutes, 40 seconds West a distance of 166.0 feet along the east right-of-way line of Coldwater Road to the southerly boundary of Carlisle Place, as recorded in Plat Book 21, Page 39, in the Office of the Allen County Recorder; thence North 89 degrees, 12 minutes, 53 seconds East a distance of 805.73 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 212.62 feet to a point on the northerly boundary of land annexed per Ordinance No. X0279; thence South 89 degrees; 06 minutes, 20 seconds West a distance of 656.27 feet to a point which is on an arc of a circle with a radius of 50.0 feet; thence southwesterly, westerly and northwesterly on a curve concave to the north, having a radius of 50.0 feet, a distance of 130.9 feet to a point, said point being derived by a chord of 96.59 feet, having a bearing of North 75 degrees, 53 minutes, 40 seconds West, thence South 89 degrees, 06 minutes, 20 seconds West a distance of 150.0 feet to the Point of Beginning, containing 3.7 acres, more or less, and subject to easements of record.

Also

Beginning at the northwest corner of Lot Numbered 122 in Wheatridge, Section I, as recorded in Plat Book 42, Page 118 in the Office of the Allen County Recorder; thence North 71 degrees, 18 minutes, 09 seconds West a distance of 61.96 feet along the boundary per annexation Ordinance No. X-02-79; thence North 00 degrees, 53 minutes, 40 seconds West a distance of 99.16 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 133.38 feet to the Point of Beginning; containing 0.07 acres, more or less, and subject to easements of record.

The intent being to include all real property known as Stone Pointe Village that was not previously annexed in Ordinance No. X0279.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Burns, Eisbart, GiaQuinta, Stier, Talarico
Nays: ONE
Schomburg
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-21-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-06-11

ZONING MAP ORDINANCE NO. Z-lost

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-27, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lot 16 & 17 Gardendale Addition to the
City of Fort Wayne, Indiana

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Absent: Three D. Schmidt, V. Schmidt, Nuckols

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

BILL NO. G-80-07-10 (AS AMENDED (AS AMENDED)

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE AMENDING CHAPTER 7
OF THE CODE OF THE CITY OF FORT WAYNE,
INDIANA OF 1974 AND SUPPLEMENTING SAID CHAPTER

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, recognizes its role in promoting the highest standards of public safety throughout the community; and,

WHEREAS, said Common Council believes that the public safety of the children of this community is of the utmost importance, and,

WHEREAS, the purpose of this Ordinance is to enact reasonable regulations governing motorized food vending vehicles which sell food items, such as ice cream, candy and other food products and requiring safety devices on said vehicles used in the purveying of the above mentioned sales.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Chapter 7 of the Code of the City of Fort Wayne, Indiana, of 1974 is hereby amended and supplemented by the addition of a new Article XII entitled "Motorized Food Vending Vehicles" and which Article XII reads as follows:

ARTICLE XII

SECTION 2. Definition

"Motorized food vending vehicles" as defined in this Ordinance shall mean any self propelled motorized vehicle or any trailer attached to an otherwise motorized vehicle.

Section 3. Inspection, Equipment, and Licensing.

Once every year prior to the issuance of any license to any person who sells any articles of food for human consumption, in, upon or along any street or public places in the City of Fort Wayne, Indiana, and in pursuit thereof travels in, on and along any public street or way with any kind of motorized food vending vehicle, said vehicle shall be thoroughly examined and inspected by the health officer of the City-County Board of Health of Fort Wayne, to determine compliance with minimum sanitation and health requirements specified by the State Board of Health.

Written proof of said inspection shall be promptly transmitted by the health officer to the office of the Controller of the City of Fort Wayne.

Once each year prior to the issuance of a vendor's or peddler's license as set forth hereinafter and prior to the use and operation of any motorized food vending vehicle, said vehicle shall be thoroughly examined and inspected by the Police Department and found to have the following safety equipment on said vehicle in good working order:

1. A metal, horizontally extendable sign at least twenty (20) inches in length, and at least ten (10) inches in width imprinted with the words "STOP" in six (6) inch black block letters on yellow background, and "PROCEED WITH CAUTION" in two (2) inch black block letters on yellow background, such arm to be lighted at the street end of said arm with two alternately flashing amber lights two (2) inches in diameter clearly visible from both front and rear at a distance of at least three hundred (300) feet, the bottom of said sign to be at a height of five (5) feet above the level of the street or way.
2. Two alternately flashing amber lights not less than four (4) inches in diameter placed one above the other on the street side of the front end of the said vehicle when legally parked, not more than one (1) foot apart, the lower of which shall be approximately four (4) feet from the surface of the street or way and clearly visible from not less than three hundred (300) feet from the front of said vehicle.
3. Two alternately flashing amber lights not less than four (4) inches in diameter, place one above the other on the street side of the rear end of said vehicle, when legally parked, not more than one (1) foot apart, the lower of which shall be approximately four (4) feet from the surface of the street or way and clearly visible for not less than three hundred (300) feet from the rear of said vehicle.
4. Written proof of said inspection shall be sent by the Police Department to the Office of the Controller of the City of Fort Wayne, Indiana.

SECTION 4. Violation by Motorist

It shall be unlawful for any motorist when approaching a parked (defined as located within six (6) inches of the curb or side of road, whichever is applicable) motorized food vending vehicle from any direction at a time when such vehicle is displaying the metal extendable arm and the floating lights to fail to come to a complete stop at least ten (10) feet from the closest end of said vehicle or fail to then proceed with caution to pass said vehicle; except that on any street or highway divided into two (2) or more roadways by leaving an intervening space which is unimproved, and not intended for vehicular traffic, or by a physical barrier or by a dividing section constructed to impede vehicular traffic, if the motorized food vending vehicle is on the opposite side of such traffic barrier the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the customers of the motorized food vending vehicle.

Any motorist who operates a motor vehicle in violation of this Section shall be fined not to exceed Fifty (\$50.00) Dollars for each violation.

SECTION 5. Vending Restrictions and Violations

- (a) The driver of a motorized food vending machine stopped on streets for purpose of vending shall actuate the alternately flashing amber lights and extend the stop signal are required by this Article XII.
- (b) The required signal arm and flashing lights shall not be used when the motorized food vending vehicle is in motion nor at any time when the motorized food vending machine is stopped for a purpose other than vending.
- (c) The driver or vendor therein of a motorized food vending machine shall not back the same to make or attempt a sale.

- (d) The driver or vendor therein of a motorized food vending machine shall vend only from the side of said vehicle away from moving traffic and as nearly as possible to the curb or edge of the street.
- (e) It shall be unlawful for any vendor or peddler to sell or offer for sale any food items, such as ice cream, candy and other food products from any motorized food vending machine between the time from one-half (1/2) hour after sunset to one-half (1/2) hour after sunrise or to sell or offer for sale said items on streets and way prescribed by the Traffic Engineering Department and approved of by the Board of Public Safety of the City of Fort Wayne, Indiana or on the following streets of the City of Fort Wayne, Indiana: Columbia, Lake, State, Vance, Tennessee, Crescent, Maplecrest, Hobson, Parnell, Anthony, St. Joe Boulevard, St. Joe River Drive, Reed Road, Trier Road, Pettit, Wayne Trace, Hessen Castle, Hanna, Creighton, Pontiac, Rudisill, Paulding, Tillman, Oxford, McKinney, Calhoun, Harrison, Fairfield, Broadway, Sherman, Tyloer, Spring, Cambridge, Huffman, and Wells. Any peddler vendor who operates a food vending machine in violation of this Ordinance shall be subject to having his peddler's or vendor's license suspended or revoked and there shall be imposed a fine of up to Fifty (\$50.00) Dollars for each.

SECTION 6. Payment of fines

All fines and penalties shall be paid to the Fort Wayne Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage approval by the Mayor and publication thereof and shall remain in force until October 31, 1981, upon which date it shall expire unless the Common Council shall, by ordinance, extend its coverage past the above date.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Eisbart, GiaQuinta, Stier, Talarico
Nays: Two
Burns, Schomburg
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

a majority of the Councilmembers is needed for a DO PASS

BILL NO. S-80-07-28

SPECIAL ORDINANCE NO. S-86-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-04362 with Penn Central
Corporation and Fort Wayne and Jackson Railroad
Company for settlement of a law suit for the
City of Fort Wayne as represented by the
Board of Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-04362 dated July 16, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Penn Central Corporation and Fort Wayne and Jackson Railroad Company for settlement of a lawsuit involving the condemnation of property owned by Penn Central Corporation and Fort Wayne and Jackson Railroad Company in order to make way for the construction of the Ewing, Fairfield, Wells Street bridge project at a cost of \$9,400.00 from L R & S Funds, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference

incorporated herein and made a part hereof, be and same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-86-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-34

SPECIAL ORDINANCE NO. S-87-80

AN ORDINANCE approving an agreement
with Ronald J. Bonar & Associates,
Inc. for an environmental study

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain agreement dated July 1, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Ronald J. Bonar & Associates, Inc., for:

environmental services necessary for the widening and reconstruction of State Boulevard, from Reed Road East 7,860 feet to a point 250 feet East of Tonawanda Drive. Said study preliminary to reconstruction of State Boulevard to facilitate the traffic flow due to development of Village of Buckingham and the proposed new HWI Building

at a total cost of \$14,500.00 from L R & S Funds, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-87-80 on the 12th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-35

SPECIAL ORDINANCE NO. S-88-80

AN ORDINANCE approving a contract
for Improvement Resolution No.
5869-80 between the City of Fort Wayne,
Indiana and T & F Construction Corp.
for curb and sidewalk improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 19, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corp. for:

curb and sidewalk construction where needed along Clark Street from High Street to Second: Orchard Street from High to Third: Marion Street from High to Third: also known as Northwest Central Neighborhood, Phase IV,

under Board of Public Works Improvement Resolution No. 586980 at a total cost of \$25,565.45 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-88-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-36

SPECIAL ORDINANCE NO. S-89-80

AN ORDINANCE approving a contract for
Improvement Resolution No. 5856-79
between the City of Fort Wayne, Indiana
and Spears-Dehner, Inc. for dike improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated July 9, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Spears-Dehner, Inc. for:

dike improvement along St. Marys, St. Joseph Rivers and the Spy Run Creek by construction and/or reconstruction of an earthen and steel sheeting dike,

under Board of Public Works Improvement Resolution No. 585679 at a total cost of \$00,000.00 from DNR and \$200,000.00 from Revenue Sharing, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-89-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-37

SPECIAL ORDINANCE NO. S-90-80

AN ORDINANCE approving a contract
for Improvement Resolution No.
5870-80 between the City of Fort
Wayne, Indiana and Hipskind Concrete
Corporation for curb and sidewalk improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 9, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipskind Concrete Corporation, for:

construction of curbs and sidewalks, where
needed along both sides of Greenwood from
Main Street to the last house; also known
as Nebraska Neighborhood, Phase V

under Board of Public Works Improvement Resolution No. 587080 at a total cost of \$29,591.55 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-90-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-38

SPECIAL ORDINANCE NO. S-91-80

AN ORDINANCE approving a contract
for Improvement Resolution No.
5875-80 between the City of Fort
Wayne, Indiana and Hipkind Concrete
Corporation for curb and sidewalk
improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 9, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corporation for:

curb, sidewalk, drive approaches and wingwalks within an area bounded by Wall Street on the North, Broadway on the East, Taylor Street on the South and Phenie Street on the West, also known as West Central Phase V Neighborhood Package Improvement,

under Board of Public Works Improvement Resolution No. 587580 at a total cost of \$67,506.30 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
D. Schmidt, V. Schmidt, Nuckols

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-91-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-39

SPECIAL ORDINANCE NO. S-92-80

AN ORDINANCE approving a contract
for Improvement Resolution NO.
5876-80 between the City of Fort
Wayne, Indiana and Hipskind Concrete
Corporation for curb and sidewalk
Improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain contract dated July 9, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipskind Concrete Corporation for:

construction of curb, sidewalk, drive approaches and wingwalks on Oliver Street, from Pontiac to Creighton and John Street, from Pontiac to Creighton, also known as Hanna-Creighton Phase IV, Neighborhood Package Improvement,

under Board of Public Works Improvement Resolution No. 5876-80 at a total cost of \$80,496.00 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talaricio
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-92-80 on the 12th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-40

SPECIAL ORDINANCE NO. S-93-80

AN ORDINANCE approving a contract
for Street Lighting Improvement
Resolution No. 142-80 between the
City of Fort Wayne, Indiana and Biggs
Electric Co. for street light improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Biggs Electric Co. for:

the installation of ornamental street lighting in the Nebraska Phase V Impact Area, as follow: Perry Avenue, Greenwood Avenue, Watkins Street, Illinois Street, Mechanic Street, Cherry Street, Camp Allen Drive, Fair Street, Huron Street and Elm Street,

under Board of Public Works Street Improvement Resolution No. 14280 at a total cost of \$32,658.70 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-93-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

ANNEXATION ORDINANCE NO. X-05-80

AN ORDINANCE annexing certain territory
commonly known as the Stone Pointe Village
Area, to Fort Wayne, and including the same
Councilmanic District No. 3

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and

WHEREAS, the City of Fort Wayne is desirous of annexing said territory; therefore,
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

A part of the Southwest Quarter, Section 12, Township 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows:

Beginning at a point 1,421.8 feet north of the centerline of Cook Road and 30 feet east of the centerline of Coldwater Road; thence North 00 degrees, 38 minutes, 40 seconds West a distance of 166.0 feet along the east right-of-way line of Coldwater Road to the southerly boundary of Carlisle Place as recorded in Plat Book 21, Page 39, in the Office of the Allen County Recorder; thence North 89 degrees, 12 minutes, 53 seconds East a distance of 805.73 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 212.62 feet to a point on the northerly boundary of land annexed per Ordinance No. X0279; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 656.27 feet to a point which is on an arc of a circle with a radius of 50.0 feet; thence southwesterly, westerly and northwesterly on a curve concave to the north, having a radius of 50.0 feet, a distance of 130.9 feet to a point, said point derived by a chord of 96.59 feet, having a bearing of North 75 degrees, 53 minutes, 40 seconds West; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 150.0 feet to the Point of Beginning; containing 3.7 acres, more or less, and subject to easements of record.

Also:

Beginning at the northwest corner of Lot Numbered 122 in Wheatridge, Section I, as recorded in Plat Book 42, Page 118 in the Office of the Allen County Recorder; thence North 71 degrees, 18 minutes, 09 seconds West a distance of 61.96 feet along the boundary per annexation ordinance No. X0279; thence North 00 degrees, 53 minutes 40 seconds West a distance of 99.16 feet; thence South 26 degrees, 50 minutes, 50 seconds East, a distance of 133.38 feet to the Point of Beginning, containing 0.07 acres, more or less, and subject to easements of record.

The intent being to include all real property known as Stone Point Village that was not previously annexed in Ordinance No. X0279.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time on one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of and utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days after final publication thereof as required by law.

Mark GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-80 on the 12th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-18

RESOLUTION NO. R-62-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Stone Pointe Village Area

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including the newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an Ordinance for the annexation of Stone Pointe Village annexation area, more specifically:

A part of the Southwest Quarter, Section 12, Township 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows:

Beginning at a point 1,421.8 feet north of the centerline of Cook Road and 30 feet east of the centerline of Coldwater Road; thence North 00 degrees, 38 minutes, 40 seconds West a distance of 166.0 feet along the east right-of-way of Coldwater Road to the southerly boundary of Carlisle Place as recorded in Plat Book 21, Page 39, in the Office of the Allen County Recorder; thence North 89 degrees, 12 minutes, 53 seconds East a distance of 805.73 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 212.62 feet to a point on the northerly boundary of land annexed per Ordinance No. X0279; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 656.27 feet to a point which is on an arc of a circle with a radius of 50.0 feet; thence southwesterly, westerly and northwesterly on a curve concave to the north, having a radius of 50.0 feet, a distance of 130.9 feet to a point, said point being derived by a chord of 96.59 feet, having a bearing

of North 75 degrees, 53 minutes, 40 seconds West; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 150.0 feet to the Point of Beginning; containing 3.7 acres, more or less, and subject to easements of record.

ALSO:

Beginning at the northwest corner of Lot Numbered 122 in Wheatridge, Section 1, as recorded in Plat Book 42, Page 118, in the Office of the Allen County Recorder; thence North 71 degrees, 18 minutes, 09 seconds West a distance of 61.96 feet along the boundary per annexation ordinance No. X0279; thence North 00 degrees, 53 minutes, 40 seconds West a distance of 99.16 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 133.38 feet to the Point of Beginning, containing 0.07 acres, more or less, and subject to easement of record.

The intent being to include all real property known as Stone Pointe Village that was not previously annexed in Ordinance No. X0279.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Stone Pointe Village annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R5679 with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Stone Pointe Village annexation ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Nuckols, D. Schmidt, V. Schmidt

Date: 8-12-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No R-62-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-07-42

SPECIAL ORDINANCE NO. S-94-80

AN ORDINANCE fixing the tax rate and the
tax levy for the City of Fort Wayne for the year 1981

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a tax rate of \$3.4144 upon each One Hundred
Dollars of assessed valuation of all property within the corporate limits of the
City of Fort Wayne, Indiana, be and the same is hereby applied for the year
1981, and such rate and levy to be divided as follows:

GENERAL FUND	2.4030	\$16,350,151
PARK GENERAL	.3937	2,678,714
REDEVELOPMENT	.0120	81,639
FINE ARTS FOUNDATION	.0065	44,058
FIRE PENSION	.1858	1,264,103
POLICE PENSION	.1671	1,137,197
SANITARY OFFICERS PENSION	.0091	62,171
REDEVELOPMENT BOND	.1040	707,335
1975 STREET BOND	.0460	313,066
REDEVELOPMENT CAPITAL	.0442	300,724
SEWER RELIEF	.0247	168,368
PUBLIC LIGHTING	<u>.0183</u>	<u>124,326</u>
TOTAL	3.4144	\$23,231,852

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by
Eisbart and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier,
Talarico
Nays: Two
D. Schmidt, Nuckols

Date: 8-25-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana as Special Ordinance No. S-94-80 on the 25th day of August, 1980
ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 26th day of August, 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of August, 1980, at the
hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-03

SPECIAL ORDINANCE NO. S-95-80

AN ORDINANCE ratifying and approving a contract with the Fort Wayne Horizons Council and the Board of Commissioners of Allen County from the funding of the employment by the Council of a Director and secretarial staff at a cost to the City of \$10,000.00

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 2, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Fort Wayne Horizons Council and the Board of Commissioners of Allen County, Indiana, for the funding of the expense of employing a Director and secretarial personnel for the Council, at a cost to the City of \$10,000.00 which contract is on file in the Office of the Mayor and is by reference incorporated herein and made a part hereof, be and the same hereby is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Burns and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Eisbart, Nuckols

Date: 8-26-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-95-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-04

SPECIAL ORDINANCE NO. S-96-80

AN EMERGENCY ORDINANCE establishing the position of a full-time Director and Chairman of the Board of Public Safety

WHEREAS, pursuant to State Statute (I.C. 18-2-1-4.2) this body, by ordinance now codified as Section 2-2 of the Code of the City of Fort Wayne, Indiana of 1974, created a separate Board of Public Works and Board of Public Safety; and

WHEREAS, the jurisdiction and administrative responsibility of the Board of Public Safety

encompasses the police department, the fire department, the signal department, the traffic engineer, the emergency medical services, parking meters, adult crossing guards, taxi cab licensing and emergency traffic regulations; and

WHEREAS, the nature of each such responsibility is such that it requires constant, continuing, day-to-day supervision and administration to ensure efficiency and to meet the needs of and the requests of the public for the services to which our citizens are entitled in these areas; and

WHEREAS, the City has previously established a part-time Chairman of the Board of Public Safety at a salary of \$5,000.00 per year.

WHEREAS, the duties of said office have proved to be beyond the capabilities of a part-time Chairman and said position has been vacant and cannot be satisfactorily filled.

WHEREAS, an emergency exists for the appointment of a fulltime Director and Chairman of the Board of Public Safety in order to maintain functions and duties of said Board.

WHEREAS, it is the sense of the this body that such change would improve the efficiency and administration of the local government in the City of Fort Wayne and that an emergency exists to make such change forthwith.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby established and created the following new position in the Department of Board of Public Safety of the Civil City of Fort Wayne with salary and labor grade as shown, for the remainder of the year 1980 and the following position heretofore established and created is hereby terminated:

<u>NUMBER OF POSITIONS</u>	<u>TITLE OF POSITION</u>	<u>LABOR GRADE</u>	<u>1980 Salary</u>
<u>010-012 - BOARD OF PUBLIC SAFETY</u>			
New position created:			
1	Director and Chairman (full-time)	19	\$25,000.00
Position terminated:			
1	Chairman (part-time)	U	\$ 5,000.00

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-96-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-05

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE approving an Agreement to purchase Real Estate from F. H. Investment Corp. for Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated September 6, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and F.H. Investment Corp. for:

West 1/2 of Lot 47 in Comparets Addition.

for the total cost of \$3,840.00 all as more particularly set forth in said agreement, which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 8-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-08-06

SPECIAL ORDINANCE NO. S-97-80

AN ORDINANCE approving City Utilities Purchase Order No. 4-08744 with Allen County Motors, Inc. for equipment for the Traffic Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 408744 dated July 18, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Allen County Motors, Inc. for:

one 1980 model one ton utility truck
with lift for Traffic Engineering,

at a cost of \$29,504.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-97-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-07

SPECIAL ORDINANCE NO. S-98-80

AN ORDINANCE approving a contract
between the City of Fort Wayne and
Zollner Corporation for fire protection
to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated June 1, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and Zollner Corporation and the furnishing of fire protection by the Fort Wayne Fire Department to premises of Zollner Corporation outside the city limits; described as follows, to-wit:

All buildings and improvement of Zollner,
presently located or hereinafter located on an area which has a frontage of 602.4
feet more or less, along the east right of way line of Coliseum Boulevard South,
a north boundary line of 1381 feet more or less, an east boundary line of 765.1 feet
more or less, and a south boundary line of 1854 feet more or less.

The said buildings and improvements which are collectively referred to as "the premises"
hereafter in this contract are reflected for tax purposes as \$657,400, as issued by
the Treasurer of Allen County, Indiana,

at a cost to Zollner Corporation of \$6,694.96, all as more particularly set forth in said contract which
is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made
a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the
City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Six
GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Abstained: Three
Burns, Eisbart, Schomburg

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-98-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-22

RESOLUTION NO. R-63-80

A RESOLUTION authorizing payment to
various agencies for repair of various vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department Vehicle #61 - 4 door sedan License MO11106 IN 1980	\$ 1,203.00	General Electric
Board of Park Commissioners vehicle - 1974 Ford Custom 500 #105 License MO10209	\$ <u>367.35</u>	Knipsher, Inc. Body Shop
TOTAL	\$ 1,570.35	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-63-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-06-14 (AS AMENDED)

GENERAL ORDINANCE NO. G-15-80

AN ORDINANCE amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan
by vacating a portion of Lenox Street

WHEREAS, (1) a petition to vacate Lenox Street (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G97, adopted November 26, 1963, as amended, is amended by vacating:

That part of Lenox Street in the City of Fort Wayne, Indiana, which lies East of the East right-of-way line of Monroe Street, West of the West right-of-way line of Hanna Street, South of the South line of Southwood Heights Addition to said City of Fort Wayne, and North of the North line of Lots #1 and 33 in Hiron Addition to said City of Fort Wayne, Indiana.

said amendment to become effective upon the legal vacation of said street.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit certified copies of it to the City Plan Commission, the Board of Public Works, the Board of Public Safety, and the petitioners.

SECTION 3. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-15-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-06-15

GENERAL ORDINANCE NO. G- 16-80

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of N/S alley
lying South of High Street and East of
Barthold Street

WHEREAS, (1) a petition to vacate a portion of N/S alley lying South of High Street and East of Barthold Street (as more specifically described below) was duly filed with the City Plan Commission, and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G97 adopted November 26, 1963, as amended, is amended by vacating:

Te vacation of a portion of the first alley east of Barthold Street from the South property line of the first alley south of High Street to its southern terminus, (the northern right-of-way of the New York Central Railroad); this alley is bounded by the following property:

All that part of the East 131 1/2 feet of Hanna's Outlot No. 13 in the Northwest fractional Quarter of Section 2, Township 30 North, Range 12 East, lying South of Charles Pape's Addition to the City of Fort Wayne, as recorded in Book 48, page 256, of the records of Allen County, Indiana, and North of the North line of the right-of-way of Fort Wayne, Jackson & Saginaw Railway, except therefrom the east 34 feet of a parcel of land described in the deed of Charles Pape to Sarah Schlatter, as recorded in Book 50, page 413, of the records of Allen County;

Also, all of Hanna's out Lot No. 14 in the Northwest fractional Quarter of Section 2, lying South of High Street in the City of Fort Wayne, and North of the North line of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway,

Also, all of the West 61 feet, more or less, of Hanna's Out Lot No. 15 in the Northwest Quarter of Section 2, lying South of Lot No. 13 of McCulloch's Subdivision of the North part of said Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railways;

Also, Lot No. 13 in McCulloch's Subdivision of the North part of Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway, according to the recorded Plat thereof, recorded in Book W, page 120, of Deed Records of Allen County, Indiana;

Excepting from the aforesaid real estate that portion thereof heretofore conveyed to Wm. A Didier & Sons, Inc., by deed dated September 22, 1949, and recorded in Deed Record 419, page 327, in the Office of the Recorder of Allen County, Indiana, and described as follows, to-wit:

The North 144.0 feet of all that part of Hanna's Out Lot No. 14 in Section 2, Township 30 North Range 12 East, in the City of Fort Wayne, Indiana, that lies South of the South line of High Street in the said City of Fort Wayne, Indiana, together with an easement for driveway purposes over and across the North 139.0 feet of Lot No. 13 in McCulloch's Subdivision in the City of Fort Wayne, Indiana.

said amendment to become effective upon the legal vacation of said alley.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit certified copies of it to the City Plan Commission, the Board of Public Works, the Board of Public Safety and the petitioners.

SECTION 3. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Stier, Schomburg,
Talarico
Nays: None

Date: 8-26-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-16-80 on the 26th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-39

RESOLUTION NO. R-64-80

WHEREAS, several members of City Council have proposed language amending Bill No. G-80-05-13 (as amended); General Ordinance No. G1280; and

WHEREAS, the City Council has agreed that said amendment shall be submitted to the City Plan Commission for public hearing;

HEREBY BE IT RESOLVED:

That the City Plan Commission shall place on public hearing on September 15, 1980, the following amendment, to be insterted in Section 2. (4) a iii of said ordinance to read as follows:

(iii) The effect of the shopping center
on the expected trade area as well
as existing and proposed population,
physical growth and fiscal impact

That this Resolution shall be effective upon passage by the Common Council of the City of Fort Wayne, Indiana.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-64-80 on the 26th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

BILL NO. S-80-08-11

SPECIAL ORDINANCE NO. S-99-80

AN ORDINANCE approving City Utilities
Purchase Order No. 2386 with Pitney
Bowes for Office Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 2386 dated July 18, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Pitney Bowes, Inc. for:

One highspeed, automatic, four
station mail-inserting machine,

at a cost of \$30,420.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-99-80 on the 26th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-14

SPECIAL ORDINANCE NO. S-100-80

AN ORDINANCE ratifying a contract with
C. M. S. Roofing, Inc. for the repair of
the roof of the Traffic Engineering Signal Complex

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated July 30, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works, and C.M.S. Roofing, Inc. for the repair of the roof of the Traffic Engineering Signal Complex, by removing present roofing from steel deck and installing new insulation and new built-up roof, at a cost of \$11,617.00, which contract is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same hereby is ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-100-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-15

SPECIAL ORDINANCE NO. S-101-80

AN ORDINANCE approving a certain bid document
for purchase of firefighters uniforms for
the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document Reference No. 934-G dated August 5, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and The Uniform House for 22-30 firefighters uniforms at a cost of \$359.05 per uniform, all as more particularly set forth in said bid document Reference No. 934-G and Purchase Order No. 4-08812, which are on file in the Office

of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-101-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-16

SPECIAL ORDINANCE NO. S-102-80

AN ORDINANCE approving a certain bid document for purchase of one Emergency Medical Service Truck Type Ambulance for the Board of Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference No. 936-G dated July 10, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Hawk Equipment for one Emergency Medical Service Truck Type Ambulance at a total cost of \$39,913.00, all as more particularly set forth in said bid document reference No. 936G and Purchase Order No. 4-08897, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schombrg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-102-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-17

SPECIAL ORDINANCE NO. S-103-80

AN ORDINANCE approving a certain bid
document for purchase of Turn Out Gear
for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Bid Document Reference No. 934-G dated August 5, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Miller Safety Equipment for Turn Out Gear for 22-30 firefighters at a cost of \$442.67 each, all as more particularly set forth in said Bid Document No. 934-G and Purchase Order No. 4-08813, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-103-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-18

SPECIAL ORDINANCE NO. S-104-80

AN ORDINANCE ratifying a contract with
R. L. Polk & Co. for the compilation of
an Urban Statistical Information Package,
entitled "Profiles of Change"

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated March 21, 1980, between the City of Fort Wayne, by and through its Mayor and City Plan Commission, and R.L. Polk & Co. for the compilation by Polk of an Urban Statistical Information Package, entitled "Profiles of Change", at a cost of \$18,279.00 which contract is on file in the office of the City Plan Commission, Department of Community Development & Planning, be and the same hereby is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, Nuckols, Stier, Talarico

Nays: Two
Burns, D. Schmidt

Abstained: One
Schomburg

Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-104-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-19

SPECIAL ORDINANCE NO. S-105-80

AN ORDINANCE approving a contract with
Mrs. Bertha McConnehey for the purchase
of 2830 McCormick Street for Urban Homesteading

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated February 11, 1980, between Neighborhood Care, Inc. and Mrs. Bertha McConnehey for:

the purchase of 2830 McCormick Street

for a total cost of \$7,200.00, all as more particularly set forth in said Contract which is on file in the Office of Neighborhood Care, Inc. and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-105-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-20

SPECIAL ORDINANCE NO. S-106-80

AN ORDINANCE approving a contract with
Willie J. Goodwin for the purchase of
3420 Euclid Street for Urban Homesteading

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated August 11, 1980, between Neighborhood Care, Inc. and Willie J. Goodwin for:

the purchase of 3410 Euclid Street

for a total cost of \$3,500.00, all as more particularly set forth in said Contract which is on file in the Office of Neighborhood Care, Inc. and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, Schomburg, Stier, Talarico
Nays: Two
Burns, D. Schmidt
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-106-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-21

SPECIAL ORDINANCE NO. S-107-80

AN ORDINANCE approving a contract with
Housing and Urban Development for the purchase
of 1515 High Street for Urban Homesteading

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated August 5, 1980, between Neighborhood Care, Inc. and Housing and Urban Development, Inc. for:

the purchase of 1515 High Street

for a total cost of \$6,210.00, all as more particularly set forth in said Contract which is on file in the Office of Neighborhood Care, Inc. and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Eisbart, GiaQuinta, Nuckols, Schomburg, Stier, Talarico
 Nays: Two
 Burns, D. Schmidt
 Absent: One
 V. Schmidt

Date: 9-9-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-107-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk

John Nuckols
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-80-08-23

RESOLUTION NO. R-65-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$350,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the construction and equipping of the Project

WHEREAS, Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Scott's Foodlane, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes, said economic development facility to be a construction of an addition to and an adjoining parking lot for an existing commercial retail grocery supermarket, including the machinery and equipment to be installed therein, to be located at the intersection of Sherman Street and Spring Street in the City of Fort Wayne, Indiana, on a tract of land containing approximately 44,240 square feet (the "Project"); and

WHEREAS, the Scott's Foodlane, Inc., a corporation, will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of economic development and increase in job opportunities (10 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advise of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and

general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about the area,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council of the City of Fort Wayne further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided, that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schimdt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-65-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-24

RESOLUTION NO. R-66-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,200,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the construction and equipping of said facilities, and

WHEREAS, Young Men's Christian Association of Greater Fort Wayne and Allen County, ("Corporation") has advised the Fort Economic Development Commission (the "Commission") and the Issuer that they purpose that the Issuer loan proceeds of an economic development financing to the applicant Corporation for the purposes of constructing an equipping economic development facilities, said economic development facilities to be development facility in two locations, the first being a new gymnasium, womens' service area, running track and racketball courts at the Central Branch, 226 East Washington Boulevard, Fort Wayne, Indiana, and similar facilities at the South Branch at 5125 Werling Drive, Fort Wayne, Indiana, ("the Project"), and

WHEREAS, the diversification of industry and increase in job opportunities (10 new jobs) to be achieved by the acquisition and equipping of the Projects will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the welfare of the Issuer and its citizens; and

WHEREAS, the construction and equipping of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$1,200,000.00 of the Issuer under the Act to construct and equip the Projects, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the construction and equipping of the Projects, the Common Council of the City of Fort Wayne hereby approves, determines and ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Projects incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by

the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, construction and equipping of the Projects will be permitted to be included as part of the bond issue to finance the Projects and the Issuer will sell the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Projects.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-66-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-25

RESOLUTION NO. R-67-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$450,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the construction and equipping of the Project

WHEREAS, Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, K & H REALTY CORPORATION (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip

an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes, said economic development facility to be a construction of a 6,250 square foot addition to an existing commercial retail grocery supermarket including the machinery and equipment to be installed therein, to be located at the Statewood Shopping Center, 3905 East State Boulevard, in the City of Fort Wayne, Indiana, on a tract of land containing approximately 21,250 square feet (the "Project"); and

WHEREAS, the K & H Realty Corporation, a corporation, will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of economic development and increase in job opportunities (15 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advise of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about the area;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council of the City of Fort Wayne further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$450,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided, that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this inducement resolution including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-67-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06-18

DECLARATORY RESOLUTION NO. R-68-80

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Ed Karns III and Mary E. Karns duly filed their petition dated April 8, 1980, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lot 9 Hanna Creighton Sub., Sec. 2

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974. (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Eisbart, Gi aQunita, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-68-80 on the 9th day of September, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-06-19

DECLARATORY RESOLUTION NO. R-69-80

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Control-Walter-Sunbelt, an Indiana general partnership, duly filed its petition dated May 23, 1980, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lots 93, 94, 95, 96, East 1/2 of 97, East 1/2 of 129, 130 and 131 and the vacated alley adjoining in Samuel Hanna 1st Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof,

located at the commonly known as:

300 East Washington Boulevard, Fort Wayne, Allen County, Indiana; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974. (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Absent: One

V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. No. R-69-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-08

DECLARATORY RESOLUTION NO. R-70-80
DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Mr. Joseph Dahm duly filed his petition dated June 18, 1980, for designation of the following described property as an "Urban Development Area" in accordance with Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 and I.C. 6-1.1-12.1, to-wit:

Lot 55, Lot 56 West 1/2 and Lot 57
Hamilton Second Addition.

located at and commonly known as:

1509 South Calhoun Street
Fort Wayne, Indiana 46802

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That subject to the requirements of Section 2, below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 61-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
 Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Abstained: One
 Burns
 Absent: One
 V. Schmidt

Date: 9-9-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-70-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk

John Nuckols
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-80-07-09

DECLARATORY RESOLUTION NO. R.71-80

A DECLARATORY RESOLUTION designating
 an "Urban Development Area" under
 I.C. 6-1.1-12.1

WHEREAS, S & G Realty Company has duly filed its petition dated June 21, 1980, for designation of the following described property as an "Urban Development Area" in accordance with Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 and I.C. 6-1.1-12.1, to-wit:

Lot 11 and 12 in Hanna-Creighton Sub
 division, Section Two, an addition to
 the City of Fort Wayne, Allen County,
 Indiana.

located at and commoly known as:

3013 Curdes Avenue
 Fort Wayne, Indiana 46802

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That subject to the requirements of Section 2, below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation
 by the Fort Wayne Redevelopment Commission,

after due hearing, analysis and study in accordance with the provisions of Division 6, Article 11, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: One
Abstained: One
Burns,
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-71-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-08-27

GENERAL ORDINANCE NO. G-17-80

AN ORDINANCE amending Schedules
3,4,5 & 7 Chapter 17 of the 1974
City Code

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 3, Section 46 "One-Way Streets and Alleys" Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 is amended by adding to subparagraph (a) thereof the following:

(a) One-Way Street

STREET
Boltz

DIRECTION
Westbound

FROM
Warsaw

TO
Lafayette

SECTION 2. That Schedule 4, Section 48, "Through Streets" Chapter 17 of The Code of the City of Fort Wayne, Indiana of 1974 is amended by adding thereto the following:

Thru Street:

<u>Street</u>	<u>From</u>	<u>To</u>
Reed Road	Trier Road	South terminus, except Trier Road, Vance Ave., State Blvd., Lake Ave., and Old Maysville Rd.

SECTION 3. That Schedule 5, Section 49 is amended by adding the following:

STOP INTERSECTION

Pauline St.	-Stop-	for Hale Ave.
Phenie St.	-Stop-	for Hale Ave.
Dodge Ave.	-Stop-	for Flordia Dr.
Brown St.	-Stop-	for Paul St.
Meda Pass	-Stop-	for Ojibway Trail
Koons St.	-Stop-	for Beaty Ave.
Bosworth Dr.	-Stop-	for Stafford Dr.
Belfast Dr.	-Stop-	for Stafford Dr.
Stafford Dr.	-Stop-	for Bolton Dr.

SECTION 4. That Schedule 7, Section 90 is amended by deleting the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
East Berry	No.	140 ft. West of Anthony Boulevard	thereof
Boltz Street	So.	Lafayette St.	Warsaw Street

SECTION 5. That Schedule 7, Section 90 is further amended by adding the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Cochrane St.	So.	Coombs St.	the West Terminus

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and due publication thereof.

Ben A. Esibart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. SCHmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-17-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-20 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-22-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-42

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

PARCEL #5

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence easterly along the north line of Lot #7 as now established a distance of 410.9 feet, more or less, to the point of beginning; thence south with a deflection angle to the right of 90 degrees a distance of 562.7 feet, more or less; thence east with a deflection angle to the left of 90 degrees a distance of 642 feet, more or less; thence north with a deflection angle to the left of 90 degrees a distance of 492.3 feet, more or less; thence west with a deflection angle to the left of 90 degrees a distance of 512.2 feet, more or less, (thence north with a deflection angle to the right of 90 degrees a distance of 70.4 feet, more or less; to a point on the north line of Lot #7 in Dreyer's Subdivision the point also being the northeast corner of said Lot #7; thence west along the north line of Lot #7 in Dreyer's Subdivision a distance of 120 feet, more or less, to the point of beginning, containing 7.47 acres, more or less.

SECTION 2. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. K-42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

PARCEL #1

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 791.7 feet to the point of beginning, thence continuing in a southerly direction along the east right-of-way line of State Road #3 a distance of 180 feet, more or less; thence south with a deflection angle to the left of 33 degrees -55' a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less; thence north with a deflection angle to the left of 90 degrees, more or less, a distance of 218 feet, more or less; thence west with a deflection angle to the left of 90 degrees, more or less, a distance of 250 feet, more or less, to the point of beginning, containing 1.03 acres, more or less.

PARCEL #2

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7, and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 791.7 feet, more or less, thence east with a deflection angle to the left of 78 degrees, more or less, a distance of 250 feet, more or less; thence north with a deflection angle to the left of 90 degrees, more or less a distance of 762.8 feet, more or less, to a point on the north line of Lot #7 in Dreyer's Subdivision; thence west along the north line of Lot #7 in Dreyer's Subdivision a distance of 410.9 feet, more or less, to the point of beginning, containing 5.69 acres, more or less.

PARCEL #4

Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 971.7 feet; thence south with a deflection angle to the left of 33 degrees -55' a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less; thence north with a deflection angle to the left of 90 degrees, more or less, a distance of 218 feet, more or less, to the point of beginning; thence east with a deflection angle to the right of 90 degrees, more or less, a distance of 492 feet, more or less; thence north with a deflection angle to the left of 90 degrees a distance of 200.1 feet, more or less; thence west with a deflection angle to the left of 90 degrees a distance of 492 feet, more or less; thence south with a deflection angle to the left of 90 degrees a distance of 200.1 feet, more or less, to the point of beginning, containing 2.26 acres, more or less.

SECTION 3. That the area described as follows is hereby designated a B1-B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

PARCEL #3

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 971.7 feet; thence south with a deflection angle to the left of 33 degrees -55' feet a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less, to the point of beginning; thence north with a deflection angle to the left of 90 degrees, more or less, a distance of 218 feet, more or less; thence east with a deflection angle to the right of 90 degrees, more or less, a distance of 492 feet, more or less; thence south with a deflection angle to the right of 90 degrees a distance of 318 feet, more or less, to a point on the north right-of-way line of Ludwig Road; thence west along the north right-of-way line of Ludwig Road a distance of 492 feet, more or less, to the point of beginning, containing 2.46 acres, more or less.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman '

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Nuckols, D. Schmidt, Schomburg, Talarico
Nays: One
Stier
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-22-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-28

SPECIAL ORDINANCE NO. S-108-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5884-80,
between the City of Fort Wayne, Indiana,
and Gateway Construction for the improvement of
streets, curbs, and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated July 30, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gateway Construction for:

Curb, sidewalk, drive approaches, alley
approaches and wingwalks on both sides of;

John Street, between Colerick and Pontiac Street; Reed Street, between Colerick
and Pontiac Street; Smith Street, between Colerick and McKee Street; Gay Street,
between Colerick and McKee Street; Weissner Park between Colerick and McKee Street

also known as Oxford Phase V B Neighborhood Improvement Package.

under Board of Public Works Street Improvement Resolution No. 5884-80, at a total cost of \$40,277.60 to be paid from C, D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, , D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-108-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-29

SPECIAL ORDINANCE NO. S-109-80

AN ORDINANCE approving a contract
for Street Improvement Resolution
No. 5882-80, between the City of Fort
Wayne, Indiana, and L.W. Dailey, Inc.,
Contractor for street improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain contract, dated July 30, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and L.W. Dailey, Inc., Contractor, for:

curbs, sidewalks, drive approaches and wingwalks where needed on:

Lillie Street, both sides, between Colerick & Pontiac; Leith Street, both sides, between Lafayette & Hanna; Boltz Street, both sides, between Lafayette & Hanna, Winter Street, both sides, between Colerick & Pontiac.

under Board of Public Works Street Improvement Resolution No. 588280 at a total cost of \$87,798.50, from C, D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, NUCKOLS, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-109-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-30

SPECIAL ORDINANCE NO. S-110-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5885-80, between the City of Fort Wayne,
Indiana, and L.W. Dailey, Inc., Contractor,
for street improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 30, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and L.W. Dailey, Inc., Contractor, for:

Curb, sidewalk, drive approaches and wingwalks
on both sides of Gay Street from Pontiac Street
to Creighton Avenue

under Board of Public Works Street Improvement Resolution No. 588580, at a total cost of \$47,423.00 to be paid from C, D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, D. Schmidt, Schomburg, Stier,
Nays: Two
Nuckols, Talarico
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-110-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-31

SPECIAL ORDINANCE NO. S-111-80

AN ORDINANCE approving a contract for
Street Lighting Resolution No. 142-80
between the City of Fort Wayne, Indiana
and Biggs Electric Co. for the installation of
street lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain contract, dated July 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Biggs Electric Co., for:

the installation of street lighting with
underground wiring, in the Nebraska Phase
V Impact Area,

under Board of Public Works Street Lighting Resolution No. 14280 at a total cost of \$32,658.70 from C D & P Funds, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-111-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-33

SPECIAL ORDINANCE NO. S-112-80

AN ORDINANCE approving Water Contract No. 8005, between the City of Fort Wayne, Indiana and Butler & Butler Construction, Inc. for construction of water mains

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Board of Works Water Contract No. 8005 dated July 30, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Butler & Butler Construction, Inc. for:

construction of 864 \pm L.F. of 12"
Water Main to serve Fernhill Avenue
connecting between Wells and North
rup Avenue and 100 \pm L.F. of 8"
Water Main.

at a total cost of \$34,336.00, of which City Utilities will pay \$10,158.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Gia Quinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-112-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-34

SPECIAL ORDINANCE NO. S-113-80

AN ORDINANCE approving an Agreement with Holy Scripture Evangelical Lutheran Church of Fort Wayne, Indiana for construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated July 9, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Works and Holy Scripture Evangelical Lutheran Church of Fort Wayne, Indiana, for:

SANITARY SEWER

Beginning at an existing manhole #8 located over an existing 15" sanitary sewer, said manhole being situated 1440 (+) feet East and 230 (+) feet North of the centerline intersection of Dunkelberg Road and Kinnerk Road; thence Westerly, a distance of 220 feet to proposed manhole #1; thence Westerly, a distance of 400 feet to proposed manhole #2; thence Westerly, a distance of 220 feet to proposed manhole #3; thence Westerly, a distance of 315 feet to proposed manhole #4; thence Westerly, a distance of 220 feet to proposed manhole #5; thence Westerly, a distance of 290 feet terminating at a proposed manhole #6.

of which the developer shall pay the entire cost and expense of the construction of said sewer in the amount of \$24,427.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-113-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-08-32

SPECIAL ORDINANCE NO. S-114-80

AN ORDINANCE approving Water Contract No. 1017-80, between the City of Fort Wayne, Indiana and Geiger Excavating Company for construction of water mains

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Board of Works Water Contract No. 101780 dated July 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Butler & Butler Construction, Inc. for:

construction of water main on
Ludwig Park Drive from an existing
6" water main on Sharon Drive,
westward 465 ± L.F. of 6" water main.

property owners to pay 100% of the total cost, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-114-80 on the 9th day of September, 1980.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-08-35

ANNEXATION ORDINANCE NO. X-06-80

AN ORDINANCE correcting a scrivener's error in the legal description of X-04-80, which annexed certain territory, commonly known as the Northrop Village area, to Fort Wayne, and included the same in Councilmanic District No. 3

WHEREAS, on May 13, 1980 the Common Council passed X-04-80 which annexed certain territory, commonly known as the Northrop Village area, to the City; and

WHEREAS, there was an omission in the description of the territory annexed by X04-80 due to a scrivener's error' and,

WHEREAS, the intent of the Council and the ordinance was clear as shown by the Council's passage of the Northrop Village annexation fiscal plan; and,

WHEREAS, the Common Council is desirous of effectuating the intent and purpose of the Northrop Village annexation, X0480, by properly describing the affected territory, therefore;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following description properly establishes the territory annexed by the Northrop Village annexation, X0480, and that the said described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana; to-wit:

Part of the Southeast Quarter of Section 11, part of the Southwest Quarter of Section 12, part of the Northwest Quarter of Section 13, and part of the Northeast Quarter of Section 14, all in Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point 40' north of and 80' east of the southwest corner of Section 12, T 31 N, R 12 E; thence northerly along the east right-of-way line of Coldwater Road, this also being the present City limits, to the east-west centerline of the south half of Section 12, T 31 N, R 12 E; thence west along said east-west centerline of the south half of Section 12 and continuing west along the east-west centerline of the south half of Section 11, T 31 N, R 12 E, to a point 664.84' west of the east line of said Section 11; thence south at a bearing south 00 degrees 08' 17" east to a point on the north right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn-Central Railroad; thence south along the west right-of-way line of said Penn-Central Railroad to its intersection with the south right-of-way line of Cook Road; thence east along the south right-of-way line of Cook Road to the east right-of-way line of Coldwater Road; thence north on the prolonged east right-of-way line of Coldwater Road to the point of beginning, an area of 23.94 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvements nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to area already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written fiscal plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, and Section 2-9, Article 11, Chapter 2, of the Code of the City of Fort Wayne, Indiana, of 1974, is hereby amended accordingly.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and after final publication thereof as required by law.

John Nuckols
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-06-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-36

RESOLUTION NO. R- 72-80

A RESOLUTION of the Common Council
correcting a scrivener's error in the legal
description of the territory affected by R-45-80
which set forth the policy of the City with
regard to the annexation of the Northrop
Village area

WHEREAS, on May 13, 1980 the Common Council passed R4580 which set forth the policy of the City in regard to the annexation of the Northrop Village area; and,

WHEREAS, there was an omission in the description of the territory affected by R4580;
and,

WHEREAS, the Common Council desires to effectuate the intent and purpose of R45-80 by properly describing the affected territory and by setting forth the policy of the City in regard to the annexation of said territory; and,

WHEREAS, the Common Council has before it an ordinance properly describing the territory and annexing the same to the City, said territory described, to wit:

Part of the Southeast Quarter of Section 11, Part of the Southwest Quarter of Section 12, part of the Northwest Quarter of Section 13 and part of the Northeast Quarter of Section 14, all in Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point 40' north of and 80' east of the southwest corner of Section 12, T 31 N, R 12 E; thence northerly along the east right-of-way line of Coldwater Road, this also being the present City limits, to the east-west centerline of the south half of Section 12, T 31 N, R 12 E; thence west along said east-west center-line of the south half of Section 12 and continuing west along the east-west centerline of the south half of Section 11, T 31, N, R 12E, to a point 664.84' west of the east line of said Section 11; thence south at a bearing of south 00 degrees 08' 17" east to a point on the North right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn-Central Railroad thence south along the wst right-of-way line of said Penn-Central Railroad to its intersection with the south right-of-way line of Cook Road; thence east along the south right-of-way line of Cook Road to the east right-of-way line of Coldwater Road; thence north on the prolonged east right-of-way line of Coldwater Road to the point of beginning, an area of 23.94 acres, more or less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That in the case of the Northrop Village annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R5679 with regard to the provision of non-capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Northrop annexation ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 9-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-72-80 on the 9th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-04

RESOLUTION NO. R-73-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$10,000,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, and equipping of the Project (Scout Corporation).

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Scout Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be certain machinery and equipment and related facilities to be used in the manufacture of motorized vehicles in the manufacturing plant located at 4610 New Haven Avenue, Fort Wayne, Indiana, on an approximate 40 acre tract (the "Project"); and

WHEREAS, the diversification of industry and increase in 500 job opportunities with an estimated annual payroll of \$8,320,000 to be achieved by the acquisition, and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed the sum of \$10,000,000 of the Issuer under the Act for the acquisition, and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (1) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (2) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.
4. The Mayor is hereby authorized to execute, and the Clerk is hereby authorized to attest, an Agreement with the Company in substantially the form of such agreement as was presented to this meeting or with such changes therein shall be approved by the officials executing the same.
5. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
 Nuckols, V. Schmidt, Schomburg, Stier, Talarico
 Nays: Two
 Eisbart, GiaQuinta,
 Abstained: One Burns
 Absent: One D. Schmidt

Date: 9-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-73-80 on the 12day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1980, at the hour of 9:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 9:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-05

RESOLUTION NO. R-74-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$10,000,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction, and equipping of the Project (REG Properties - EJH Project)

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, REG Properties (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be a 600,000 square foot manufacturing plant and related facilities to be lease to Scout Corporation for the purpose of manufacturing motorized vehicles, including the real estate on which it is to be located (and certain machinery and equipment to be installed therein), and to be located at 4610 New Haven Avenue, Fort Wayne, Indiana, on an approximate 40 acre tract (the "Project"); and

WHEREAS, the diversification of industry and increase in 500 job opportunities with an estimated annual payroll of \$8,320,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed the sum of \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (1) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the forgoing shall be mutually acceptable to the Issuer and the Applicant; (2) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. The Mayor is hereby authorized to execute, and the Clerk is hereby authorized to attest, an Agreement with the Company in substantially the form of such agreement as was presented to this meeting or with such changes therein shall be approved by the officials executing the same.

5. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Eisbart, GiaQuinta
Abstained: One
Burns
Absent: One
D. Schmidt

Date: 9-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-74-80 on the 12th day of September, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1980, at the hour of 9:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of September, 1980, at the hour of 9:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-01 (AS AMENDED)

SPECIAL ORDINANCE NO. S-115-80

AN ORDINANCE RATIFYING AND AUTHORIZING
THE IMPLEMENTATION OF THE 1980 WAGE
AGREEMENT BETWEEN THE CITY AND THE
FRATERNAL ORDER OF POLICE

WHEREAS, the City and the Fraternal Order of Police have adopted a Wage Agreement for the year 1980, effective July 1, 1980, calling for a wage increase in the amount of an additional 2% of the original base rate of a patrol officer, with the new total base rate equalling \$15,811 per officer for 1980 (the 1979 patrol officer's base rate plus 7%).

WHEREAS, the City and the Fraternal Order of Police have agreed that shift differential of 5% for B shift and 10% for C shift be computed on the annual regular earnings of the officer entitled to shift differential, that such shift differential be paid retroactive to January 1, 1980.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE;

Section 1. That Items 1, 2, and 3 of the Wage Agreement approved August 20, 1980 between the City and the Fraternal Order of Police be ratified and approved by the Common Council.

Section 2. That Item 4 of said agreement be part of a separate ordinance by the Common Council prior to January 1, 1981.

Section 3. That the Mayor, the City Controller and the Board of Public Safety and all other officials of the City having jurisdiction are hereby authorized to take steps to implement the provisions of Items 1, 2, and 3 of the Wage Agreement dated August 20, 1980.

Section 4. That this ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Talarico
Nays: One
D. Schmidt
Abstained: One
Eisbart
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-115-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-02

SPECIAL ORDINANCE NO. S-116-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (Stone Pointe Realty Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Stone Pointe Realty Project regarding the financing of proposed economic development facilities for Stone Pointe Realty and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on August 28, 1980, and also adopted a resolution on August 28, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Stone Pointe Realty complies with the purposes and provision of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Guaranty Agreement, Note and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT.

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Stone Pointe Realty for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Stone Pointe Realty under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Guaranty Agreement, Note and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Stone Pointe Realty Project), in the total principal amount of Three Million One Hundred Thousand Dollars (\$3,100,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Stone Pointe Realty under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not to exceed 65% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne, and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Stone Pointe Realty Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing

by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: one
Stier

Date: 9-23-80
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-116-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-03

RESOLUTION NO. R-75-80

A RESOLUTION approving Fort Wayne Redevelopment
Commission's Resolution No. 80-52 for the
Civic Center II Renewal Project

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION I. That Resolution No. 8052, Declaratory Resolution Civic Center II Renewal Project, adopted by the Fort Wayne Redevelopment Commission on July 28, 1980, all as more particularly set forth in said Resolution No. 8052 on file in the Office of the Fort Wayne Redevelopment Commission and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION III This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-75-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-07

RESOLUTION NO. R-77-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,700,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Central-Walter-Sunbelt, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Central-Walter-Sunbelt, an Indiana general partnership, (the "applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be furniture, fixtures and equipment to complete construction of Holiday Inn - Downtown at 300 East Washington Boulevard (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 125 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,700,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and

equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-77-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-08

RESOLUTION NO. R-78-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Taulbee and Burke, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Taulbee and Burke, Joint Venture, (the "Applicant") have advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a three acre site located on Lot 11, Edgewood Park Industrial Park, Washington Township, and a 23,000 square foot building with fixtures to be erected thereon for lease to Advanced Machine and Tool Corporation (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 22 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA.

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines ratifies and confirms that the issuance and said of revenue bonds in an amount not to exceed \$800,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: None

Absent: One

Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-78-80 on the 23rd day of September, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-10

RESOLUTION NO. R-79-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$350,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicants, Herbert P. and Alice M. Hatfield, to proceed with the acquisition, construction and equipping of the project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Herbert P. and Alice M. Hatfield (the "Applicant") have advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 16.29 acre site located on Indiana State Highway #33, about three miles South of Churubusco, and a concrete ready-mix plant and equipment to be erected thereon, for lease to Keystone Concrete, Inc. (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately five job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant

or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmdit, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-79-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-07-10

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. I-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974; and the symbols of the City of Fort Wayne Zoning Map No. I-27, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

The East 66.0 feet of Lot #34 in
Liberty Gardens Addition as recorded
in Plat Book #8, page 61, in the Office
of the Recorder of Allen County, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

BILL NO. Z-80-07-11

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-6, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to-wit:

Rockhill 2nd Addition, Lot No.
159

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Absent: One

Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

BILL NO. Z-80-07-12

ZONING MAP ORDINANCE NO. Z-23-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map Nos. K-2
and L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974; and the symbols of the City of Fort Wayne Zoning Map Nos. K-2 and L-2, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots 677 thru 682, 685 thru 693, 695 thru 712 and 721 thru 730 in Samuel Hanna's Addition, "Plat B" Western Division; Lots 1 thru 4 in City Subdivision, Lots 7 thru 13 in Chipman's Addition; Lot 1 McMakin's Addition; Lots 1 thru 4 in Scott's Subdivision, Lots 1 thru 5, 12 thru 21 and 29 thru 32 in Ayers Addition, Lots 1 thru 10 in Jones Addition; Lots 1 thru 6 and 15 and 16 in Swinney Park Place Addition, Lots 1 thru 4 in Garden Place Addition; Lots 55 thru 66 & 68 thru 85 in Rockhill and Nelson s Addition and Lots 1 thru 4 in Underhill's Subdivision.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: None

Absent: One

Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-23-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-07-13

ZONING MAP ORDINANCE NO. Z-24-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14

BE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974, and the symbols of the City of Fort Wayne Zoning Map No. R-14, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to-wit:

Lots 52 and 53 in Maysville Heights Addition.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: None

Absent: One

Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-24-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-07-31

GENERAL ORDINANCE NO. G-18-80

AN ORDINANCE amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan
by vacating a portion of Yale Drive

WHEREAS, (1) a petition to vacate a portion of Yale Drive (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G97 adopted November 26, 1963, as amended, is amended by vacating:

Beginning at a point 30 feet south of the
northeast corner of Lot #102, Cambridge Hill Addition, thence on a curve to the right with
a radius of 20 feet; an arc distance of 31.42
feet to the south line of said Lot, thence west a distance of 98 feet to the southwest corner
of said Lot, thence south 50 feet to the northwest corner of Lot #103, Cambridge Hill Addition,
thence east a distance of 98 feet, thence on a curve to the right with a radius of 20 feet;
an arc distance of 31.42 feet to the east line of said Lot, thence north 90 feet to the Point
of Beginning.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit a certified copy of it to the Board of Public Works.

SECTION 3. That by reason of the foregoing, said petitioner(s) for such vacation may now proceed before the Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth, for an administrative order and an assessment or benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-2-16-44, for a judicial decree and an assessment or benefits and damages to affected property owners.

SECTION 4. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-18-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-13

SPECIAL ORDINANCE NO. S-117-80

AN ORDINANCE approving an agreement
with Ronald L. Bonar & Associates,
Inc. for an environmental study

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain agreement dated July 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Ronald J. Bonar & Associates, Inc., for:

environmental services necessary to construct improvements on approximately 3,900 L.F. of Bluffton Road (M-F 080 (1) from Engle Road to the St. Mary's River Bridge. The IMPROVEMENTS CONSIST OF NEW curbs, drainage, widening, resurfacing, sidewalks, street lights, turn lanes and ingnal modernization at Engle Road and Brooklyn Avenue.

at a total cost of \$52,740.00 from L R & S Funds, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-117-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-14

SPECIAL ORDINANCE NO. S-118-80

AN ORDINANCE approving Change Order No. 1
in connection with Whitegate Drive Pavement
Restoration Resolution No. 5861-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Rieth-Riley Construction Co., Inc. in connection with Whitegate Drive Pavement Restoration Resolution No. 586180, for:

additional excavation is needed in
order to place the new 9" concrete,

in the amount of \$14,280.51, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-118-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-15

SPECIAL ORDINANCE NO. S-119-80

AN ORDINANCE approving Change Order
No. 1 in connection with the St. Mary's
River, St. Joseph River and Spy Run Creek
flood control project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Spears-Dehner, Inc. in connection with the dike along the St. Mary's River, St. Joseph River and Spy Run, for:

a manhole has to be raised to achieve a better alignment of the dike; a. c. b. is required to provide drainage for Lots #1, 2 and 3 of Hedekins Addition; and old c. b. with outfall into Spy Run CREEK is no longer required, it also eliminates a pipe through to the dike.

in the amount of \$2,610.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: None

Absent: One

Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-119-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-16

SPECIAL ORDINANCE NO. S-120-80

AN ORDINANCE approving a blanket
purchase order - City Utilities
Purchase Order No. B-002418 for
materials for the Water Pollution
Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the blanket purchase order -City Utilities Purchase Order No. B-002418, dated August 12, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and ByProducts Management, Inc., for:

Liquid Ferrous Sulfate (Pickle Liquor) for the Water Pollution Control Plant

all as more particularly set forth in said purchase order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
 Nays: None
 Absent: One
 Talarico

Date: 9-23-80

Charles W. Westerman/ne
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-120-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk /ne

Vivian G. Schmidt
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
 City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-80-09-27

RESOLUTION NO. R-80-80

A RESOLUTION of the Common Council of
 the City of Fort Wayne, Indiana, expressing
 its opposition to the location of the
 Hanchar Waste Management Corporation facility

WHEREAS, the Common Council of the City of Fort Wayne, is concerned with the health and welfare of the City's citizens; and

WHEREAS, the quality of life within our community is determined by the nature and scope of its educational, cultural, recreational, business and social climate; and

WHEREAS, there currently exists a situation regarding the processing of hazardous wastes which possesses the potential of affecting the lives of many of our citizens in a detrimental manner.

THEREFORE, Be It Resolved that the Common Council of the City of Fort Wayne, Indiana, formally registers its concern and opposition to the location of Hanchar Waste Management Corporation facility within or near to a residential neighborhood of this community and advocates a course guided by prudence, understanding, and caring in the location of said facility.

Samuel J. Talarico
 Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Talarico
 Nays: None
 Abstained: Two
 Burns, D. Schmidt
 Absent: One
 Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-80-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 26th day of September, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-06

RESOLUTION NO. R-76-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic DEvelopment Commission authorizing the issuance and sale of \$1,450,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Miller/Tazian Associates, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Miller/Tazian Associates, an Indiana general partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a business and professional office complex at West Jefferson Boulevard and Sleepy Hollow Lane in Aboite Township West of Fort Wayne (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 46 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,450,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting, expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 9-23-80

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-76-80 on the 23rd day of September, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of September, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 2nd day of October 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-17

SPECIAL ORDINANCE NO. S-121-80

AN ORDINANCE approving a certain bid
document for purchase of air masks
for Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That a certain bid document reference no. 939-G, dated August 26, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Hoosier Fire Equipment, Inc. for fifteen (15) 4.5 Scott Air Masks at a total cost of \$12,225.00, all as more particularly set forth in said bid document reference no. 939-G and Purchase Order No. 4-08953H, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-121-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-19

SPECIAL ORDINANCE NO. S-122-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-08952 with Jim Kelley Buick
for vehicles for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-08952 dated August 28, 1980, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Board of Public Works and Jim Kelley Buick, for:

four compact sedans, 1980, four door
for the Fire Department

at a cost of \$26,200.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 10-14-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-122-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-04

RESOLUTION NO. R-81-80

A RESOLUTION authoriizing payment to
an agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department 1978 Ford LTD Sedan License #MO11113	\$ 482.85	Allen County Motors

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays : None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-81-80 on the 14th day of October, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-05

RESOLUTION NO. R-82-80

A RESOLUTION authorizing payment to
an agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department Body 1978 Ford LTD Sedan #MO11130	\$ 143. 76	Koester's Shop License

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-82-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-06

RESOLUTION NO. R-83-80

A RESOLUTION authorizing payment to an
agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Department 1978 Ford LTD Sedan License #MO11104	\$ 605.89	Allen County Motors

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-83-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-08

RESOLUTION NO. R-84-80

A RESOLUTION authorizing payment to
an agency for the repair of equipment

WHEREAS, (1) the following City equipment was damaged and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively,

<u>EQUIPMENT</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Traffic Engineering	\$ 6,500.00	Graymar Equipment, Inc.

Damaged Traffic Signal Controller (Goshen Road and Sherman Boulevard)

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for repair work on equipment as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-84-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-09

RESOLUTION NO. R-85-80

A RESOLUTION authorizing an appeal from
the budget and tax rates and levies fixed
by Allen County Tax Adjustment Board

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in a manner contrary to the laws of the State of Indiana and in such way as to render it impossible to carry out the governmental functions and responsibilities committed to it by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the appropriate officers of said City are authorized and directed to take all steps necessary to present an appeal from the budget and tax rates and levies fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies not exceeding the 1981 limit.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 10-14-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as R-85-80 Resolution on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of October, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-20

RESOLUTION NO. R- 86-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,750,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person,

and

WHEREAS HTI MEDICAL PROPERTIES, LTD., a joint venture, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 22,000 square foot medical office facility, including the real estate on which it is to be located, and to be located at 618 West Washington Boulevard, Fort Wayne, Indiana, "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 80 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the economic development facilities on any similar facility already constructed or operating in or about Fort Wayne, Indiana, has been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,750,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.
4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment of the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-86-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-21

RESOLUTION NO. R-87-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$3,150,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition and construction of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, BOOTHE FINANCIAL CORPORATION, a Delaware corporation, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 52,000 square foot supermarket facility to be leased to Markkay, Inc., and Indiana corporation, for the operation of a full-service supermarket, including the real estate on which it is to be located, and to be located at the northeast corner of Parnell Avenue and California Road in Fort Wayne, Indiana, on an approximate 7.7 acre tract of land (the "Project") and

WHEREAS, the diversification of industry and an increase in approximately 220 job opportunities to be achieved by the acquisition and construction of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the economic development facilities on any similar facility already constructed or operating in or about Fort Wayne, Indiana, has been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the best interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuances and sale of revenue bonds in an amount not to exceed \$3,150,000.00 of the Issuer under the Act for the acquisition and construction of the Project and the sale or

leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition and construction of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, under writing expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-87-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-22

RESOLUTION NO. R-88-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,275,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities,

and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, MARKKAY, INC., an Indiana corporation, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facilities to be certain equipment and fixtures to be utilized in the operation of a supermarket facility to be located at the northeast corner of California Road and Parnell Avenue in Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 220 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the economic development facilities on any similar facility already constructed or operating in or about Fort Wayne, Indiana, has been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,275,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds off such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R=88-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-09-17

ZONING MAP ORDINANCE NO. Z-25-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L-26, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

The South one-half of vacated Southfort Drive abutting Lots 15 through 26, Section "A", North Park Addition and the West one-half of vacated Meridian Street lying west of and adjacent to Lots 14 and 15, Section "A" North Park Addition produced northerly to the North line of vacated Southfort Drive as aforesaid together with the east 116 feet of the West 266 feet of real estate lying north of said vacated Southfort Drive.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-25-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-06-12

ZONING MAP ORDINANCE NO. Z-26-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. I-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 131, referred to therein, established by Section 3311, of said Chapter are hereby changed accordingly, to-wit:

Lots numbered one (1) and two (2)
in Block "D" in Wayndale Terrace
Addition to the City of Fort Wayne,
according to the Recorded Plat thereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-26-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-05-09

GENERAL ORDINANCE NO. G-19-80

AN ORDINANCE amending General
Ordinance No. G-97 by authorizing
the vacation of a portion of Gay Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-546), the Thoroughfare Plan as set forth in General

Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Gay Street from the Northerly right-of-way of Wallace Street to the Penn Central Railroad.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-08-16

GENERAL ORDINANCE NO. G-20-80

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of an alley between Harmar, Wayne, Francis and Washington Streets

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

The 14 foot East/West alley extending from the East rightofway line of Francis Street to the centerline of the vacated North/South alley extending from Wayne Street on the North to Washington Street on the South, as set forth in Hanna's East Park Addition according to the recorded plat thereof in Plat Book 0 at page 17 in the Office of the Recorder of Allen County, Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-20-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-06-16 (AS AMENDED)

GENERAL ORDINANCE NO. G-21-80

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan
by vacating a portion of an alley between
Huffman Street and Spring Street running
from Sherman Street to Andrew Street

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G97 adopted November 26, 1963, as amended; is amended by vacating:

Commencing at the Southwest corner of Lot Number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat

Book 2 at Page 48 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot Number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot Number 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

said amendment to become effective upon the legal vacation of said alley.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit certified copies of it to the City Plan Commission, the Board of Public Works, the Board of Public Safety, and the petitioners.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 10-14-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-21-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-08-09

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. J-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974; and the symbols of the City of Fort Wayne Zoning Map J-26, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

The North 2.203 acres of the South 4.203 acres of Lot #2 in Archer's Out Lots in Section 27, Township 31 North, Range 12 East, Allen County, Indiana and recorded in Plat Book 1, page 37 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of the South 2 acres of said Lot #2, said Northeast corner being also a Northeast corner of Schomburg Dells Addition Amended

and being situated on the East line of said Lot #2; thence North, on and along the East line of said Lot #2, being also the East line of the Northwest Quarter of the Northwest Quarter of said Section 27 and the centerline of Harris Road, a distance of 145.7 feet; thence Westerly, be an interior angle of 90-57' and parallel to the North line of the South 2 acres of said Lot #2, a distance of 658.68 feet (9.98 chains) to the West line of said Lot #2; thence South, by an interior angle of 89-03' on and along said West line, being also an East line of Lot #13 in said Schomburg Dells Addition Amended and parially defined by the East right-of -way line of Dell Avenue_ as dedicated in Deed Record 617, pages 184 and 185 in the Office of said Recorder, a distance of 145.7 feet to the Northwest corner of the South 2 acres of said Lot #2; thence Easterly, by an interior angle of 90-57', on and along the North line of said Lot #13, a distance of 658.68 feet (9.98) chains) to the point of beginning, containing 2.203 acres of land, subject to legal right-of-way for Harris Road and subject to an easement for sewer purposes over the North 15 feet thereof as established in Sewer Easement REsolution #65-1970 and subject to an easement for water main purposes over the West 20 feet of the East 40 feet thereof as recorded in Document #79-25144 in the Office of said REcorder and further subject to all other easements of record

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Date: 10-14-80 Charles W. Westerman
City Clerk

BILL NO. Z-80-08-26

ZONING MAP ORDINANCE NO. Z-
LOST
AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. K-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974, and the symbols of the City of Fort Wayne Zoning Map No. K14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lot Number Three (3) of State Center Addition, a division of the City of Fort Wayne, according to the recorded plat thereof.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Date: 10-14-80 Charles W. Westerman
City Clerk

BILL NO. S-80-09-25

SPECIAL ORDINANCE NO. S-123-80

AN ORDINANCE approving a contract for
Sanitary Sewer Document No. 80-010229,
between the City of Fort Wayne, Indiana,
and M & G Properties

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated August 27, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and M & G Properties, Contractor, for:

Supplemental Sewer Extension Keller
Road Sanitary Sewer

under Board of Public Works Sanitary Sewer Document No. 80-010229, at a total cost of approximately \$61,158.80 as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-123-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-09-26

SPECIAL ORDINANCE NO. S-124-80

AN ORDINANCE approving a contract with
Butler and Butler Construction for Water
Main Extension Resolution No. 1020-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated August 13, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Butler and Butler Construction, Inc. for:

Improvement Resolution 102080 for the
construction of the Olladale Water Main
Extension, from Betty Avenue Southward
710 + LF to Bass Road (Spring Street)

for a total cost of \$36,022.00 to be paid by the property owner to the Contractor, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-14-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-124-80 on the 14th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of October, 1980, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. A-80-10-01

APPROPRIATION ORDINANCE NO. A-20-80

AN ORDINANCE transferring and appropriating additional funds from the surplus in Account Numbers 402-134-005-4001 and 402-134-005-4002 "Vehicles" and "Equipment" respectively, of the 1980 Revenue Sharing Budget of the Police Department to Account Number 402-134-005-4003 "Investigation"e 1980 Regular Budget of the Police Department

WHEREAS, an emergency exists for the appropriation of additional funds to Account Number 402-134-005-4003 "Investigation" in the 1980 Regular Budget of the Police Department for which adequate funds exist in Account Number 402-134-005-4001 "Vehicles" and Account Number 402-134-005-4002 "Equipment" in the 1980 Revenue Sharing Budget and which transfer and appropriation has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following sums are hereby transferred from the numbered accounts of the 1980 Revenue Sharing Budget specified below and appropriated to Account Number 402-134-005-4003 "Investigation" in the 1980 Regular Budget of the Police Department:

<u>ACCOUNT NUMBER</u>	<u>TITLE</u>	<u>AMOUNT</u>
402-134-005-4001	"Vehicles"	\$ 7,000.00
402-134-005-4002	"Equipment"	\$ 3,000.00
	Total	\$10,000.00

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-134-005-4001 "Vehicles" and 402-134-005-4002 "Equipment" in the 1980 Revenue Sharing Budget of the Police Department is hereby reduced in the amount of \$7,000.00 and \$3,000.00 respectively.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Appropriation Ordinance No. A-20-80 on the 28th day of October, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. A-80-10-02

APPROPRIATION ORDINANCE NO. A-21-80

AN ORDINANCE transferring and appropriating additional funds from the surplus in Account Number 402-134-010-4002 "Loader" of the 1980 Revenue Sharing Budget of the Street Department to Account Number 402-134-010-4001 "Vehicle" in the 1980 Regular Budget of the Street Department

WHEREAS, an emergency exists for the appropriation of additional funds to Account

Number 402-134-010-4001 "Vehicle" in the 1980 Regular Budget of the Street Department for which adequate funds exist in Account Number 402-134-010-4002 "Loader" in the 1980 Revenue Sharing Budget and which transfer and appropriation has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sum of \$26,800.00 is hereby transferred from Account Number 010-4002 in the 1980 Revenue Sharing Budget of the Street Department and appropriated to Account Number 402-134-010-4001 "Vehicle" of the 1980 Regular Budget of the Street Department.

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-134-010-4002 "Loader" in the 1980 Revenue Sharing Budget of the Street Department is hereby reduced in the amount of \$26,800.00.

BILL NO. R-80-10-10

RESOLUTION NO. R-89-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$530,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, D & H Partnership, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6.45 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, D & H Partnership, an Indiana general partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 30,000 square foot office and warehouse building at 3815 Merchant Road, Washington Township, Allen County, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 9-22 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$530,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction

and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting, expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-89-80 on the 28th day of October, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-44

RESOLUTION NO. R-90-80

A RESOLUTION authorizing payment to
various agencies for repair of various
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Board of Park Commissioners 1979 Chevrolet Van - Municipal Plate 10148 IN '78	\$ 90.60	Knipscher Body Shop

Police Department 1978
Ford - four door sedan
License #MO 11140 IN '80

1332.83

Allen County
Motors

Board of Park Commis-
sioners 1980 Ford 1 T
truck - License MO 33853

1632.75

Koester's Body
Shop

Police Department 1979
Chrysler Newport - four
door sedan - License
#MO 11139

361.53

Tomkinson Chrys-
ler Plymouth,
Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-90-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-45

RESOLUTION NO. R-91-80

A RESOLUTION authorizing payment to
various agencies for repair to damaged
equipment

WHEREAS, (1) the following City equipment was damaged and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the

amounts hereafter listed, and (3) repair bids received from payments as hereafter set out, respectively, to-wit:

<u>ITEM</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged traffic signal equipment (Various locations throughout the City)	\$ 436.80	Graymar Equipment, Inc.
Damaged traffic signal equipment needs repair. (various locations throughout the City)	593.27	HAPCO

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agenices, repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-91-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-07

RESOLUTION NO. R-92-80

AN ORDINANCE amending Section
17-135 of the City Code

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new Section 17-135-B which shall read as follows, to-wit:

Section 17-135-B:

ALTERED MANUFACTURER'S
SERIAL NUMBERS

It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-92-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-08-10

GENERAL ORDINANCE NO. G-22-80

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of Curdes
Avenue

WHEREAS, (1) a petition to vacate a portion of Curdes Avenue ((as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon this body approving said petition, all in accordance with I.C. 18-7-4-512 (2) (Burns Indiana Statutes Annotated, 1979 Supp.) , and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition to vacate a portion of Curdes Avenue (as hereinafter described) is hereby approved.

SECTION 2. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G-97 adopted November 26, 1963, as amended is amended by vacating:

Beginning at the southeast corner of Lot 12 in Arnold's Suburban Addition to the City of Fort Wayne; thence west along the southerly line of said Lot 12 a distance of 201.7 feet to a point; thence South 90 degrees a distance of 65 feet to a point on the northern line of Lot 13 in Arnold's Suburban Addition to the City of Fort Wayne; thence East along the Northern line of said Lot 13 a distance of 201.7 feet to the Northeast corner of said Lot 13; thence North 90 degrees a distance of 65 feet to the point of beginning,

subject to the securing of an order of vacation of said tract as hereinafter provided.

SECTION 3. After passage, approval by the Mayor, and legal publication of this ordinance, the City Clerk shall prepare and transmit a certified copy of it to the Board of Public Works.

SECTION 4. That by reason of the foregoing, said petitioner(s) for such vacation may now proceed before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 et. seq. Fifth, for an administrative order of vacation and an assessment of benefits and damages to affected property owners or before the Allen Circuit or Superior Courts under I.C. 185-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 5. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-22-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-21

SPECIAL ORDINANCE NO. S-125-80

AN ORDINANCE approving a certain bid document for purchase of bulk rock salt for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 942-G dated August 20, 1980,

between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and International Salt Company, for Type I Bulk Rock Salt at a total cost of \$24.98 per ton, all as more particularly set forth in said bid document reference number 942-G and purchase order number 4-08989, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-125-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-22

SPECIAL ORDINANCE NO. S-126-80

AN ORDINANCE approving a contract for curb and Sidewalk Resolution No. 5880-80 between the City of Fort Wayne, Indiana and Rieth-Riley Construction Co., Inc. for installation of curbs and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 17, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rieth-Riley Construction Co., Inc. for:

curbs and sidewalks where needed on (1) LaSalle Street; (2) Buchanan Street; (3) St. Martin's Street; (4) West DeWald Street; and (5) Warsaw Street, also known as Larez Neighborhood Improvement Phase III

under Board of Public Works Curb and Sidewalk Resolution No. 588080, at a total cost of \$71,876.30, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-126-80 on the 28th day of October, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-23

SPECIAL ORDINANCE NO. S-127-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5886-80
between the City of Fort Wayne, Indiana
and Hipskind Asphalt Corporation for
resurfacing and restoring pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated August 7, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipskind Asphalt Corporation for:

Resurfacing and restoring the pavement on
(1) Eckart Street; (2) Drexel Avenue;
(3) Village Court Drive; (4) Oliver Street;
and (5) Bowser Avenue

under Board of Public Works Street Improvement Resolution No. 588680 at a total cost of \$54,787.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-127-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-24

SPECIAL ORDINANCE NO. S-128-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5889-80
between the City of Fort Wayne, Indiana
and Hipkind Asphalt Corporation for
resurfacing and restoring pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated October 1, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Asphalt Corporation for:

resurfacing and restoring pavement on: (1) Madison Street from the east property line of Lafayette Street to the west curb line of Division Street; (2) Brandriff Street - from the west curb line of Webster Street to the east curb line of Hoagland Avenue; (3) Prince Street - from the south curb line of Masterson Avenue to its southern terminus; (4) Philip Way - from the east curb line of Inwood Drive to the west curb line of Glencairn Drive; (5) Coronet Drive - from the south property line of Monarch Drive to the north property line of Countess Drive; (6) Majestic Lane - from the south curb line of Monarch Drive to the north curb line of Countess Drive (7) Fricke Avenue - from the west curb line of Parnell Avenue to its western terminus.

under Board of Public Works Street Improvement Resolution No. 588980, at a total cost of \$87,050.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
stier, Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-128-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-25

SPECIAL ORDINANCE NO. S-129-80

AN ORDINANCE approving a contract for
curb and Sidewalk Improvement Resolution
No. 5887-80 between the City of Fort
Wayne, Indiana and Gateway Construction
for installation of curb and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That a certain contract dated October 1, 1980, between
the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gateway
Construction for:

curb and sidewalks where needed on both
sides of Warsaw Street from south property
line of Creighton Avenue to north property
line of Suttentfield Street, also known as
Larez Impact Area - Phase III-B

under Board of Public Works Curb and Sidewalk Resolution No. 588780, at a total cost of \$24,592.25,
all as more particularly set forth in said contract which is on file in the Office of the Board of Public
Works and is by reference incorporated herein and made a part hereof, by and the same is in all
things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Nuckols and duly
adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-129-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-26

SPECIAL ORDINANCE NO. S-130-80

AN ORDINANCE approving Change Order No. 1
in connection with the Nebraska Phase V,
Resolution No. 142-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Biggs Electrical Construction, Inc. in connection with the Nebraska Phase V, Resolution No. 142-80, for:

Addition of one (1) TC 100 R Installation
necessary at South end of Mechanic Street
to maintain roadway illumination level of
146 F.C. This confirms to National IES
residential lighting standards

in the amount of \$82.00, as set out in the specifications, therefore which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-130-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-27

SPECIAL ORDINANCE NO. S-131-80

AN ORDINANCE approving an Agreement with
Allen County Association for the Mentally
Retarded, Inc. for construction of a
sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 17, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Allen County Association for the Mentally Retarded, Inc. for:

SANITARY SEWER

Beginning at an existing manhole constructed over an existing eight inch (8") sanitary sewer said manhole being situated 220 (plus or minus) feet south of the south property line of the property described herein, and the east right-of-way of Projects Drive, thence northerly parallel to Projects Drive a distance of 220 (plus or minus) feet terminating at a proposed manhole #1, said manhole to be located adjacent to above mentioned property line but entirely on Projects Drive right-of-way.

of which the development shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-131-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-28

SPECIAL ORDINANCE NO. S-132-80

AN ORDINANCE approving Change Order No. 4
in connection with the St. Joseph Dam and Pump
Station

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 to Shambaugh & Son, Inc. in connection with the St. Joseph Dam and Pump Station for:

necessary labor, materials and equipment
for additions to the St. Joseph Dam and
Pump Station

in the amount of \$15,883.00 as set out in the specifications, therefor which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-132-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-29

SPECIAL ORDINANCE NO. S-133-80

AN ORDINANCE approving an Agreement with
Richard G. Snyder, for construction of a
sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 19, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Richard G. Snyder, Developer, for:

SANITARY SEWER

An 8" Sanitary Sewer Line and 7 lateral
sewer lines connected thereto within
Kingstown Village, Phase 1

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Talarico
Nays: None

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-133-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-30

SPECIAL ORDINANCE NO. S-134-80

AN ORDINANCE approving Change Order No. 3
in connection with the St. Joseph Dam and
Pump Station Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 to shambaugh and Son, in connection with the St. Joseph Dam and Pump Station for:

the necessary additional labor, material
and equipment to replace approxmiately
162 L.F. of top rail section

in the amount of \$4,945.00, as set out in the specifications therefor, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: Nays

Date: 10-28-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-134-80 on the 28th day of October, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of October, 1980, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-40

SPECIAL ORDINANCE NO. S-135-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bond, Series 1980 (Acme Heat Treating Inc. Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project for the Acme Heat Treating, Inc. Project regarding the financing of proposed economic development facilities for said Project and the Fort Wayne Planning Commission has commended favorably thereon and

WHEREAS, the Fort Economic Development Commission conducted a public hearing on October 24, 1980, and also adopted a resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Acme Heat Treating, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, and Mortgage and Indenture of Trust; now therefore,

BE IT ORDERED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Acme Heat Treating, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of said company under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Turst approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Acme Heat Treating, Inc. Project), in the total principal amount of Four Hundred Thousand Dollars (\$400,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by said company under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not to exceed 65% of the prime commercial lending rate announced by Fort Wayne National Bank, and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Acme Heat Treating, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or

the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: one
D. Schmidt

Date: 11-25-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-135-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-46

SPECIAL ORDINANCE NO. S-136-80

AN ORDINANCE approving a contract and supplemental agreement between the City of Fort Wayne, Indiana and Bernard Perry

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated March 1, 1980, as amended by supplemental agreement dated August 15, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and Bernard Perry, for his services as special consultant to the City in the hearings before the Public Service Commission of Indiana relative to the petition for rate increase filed by the General Telephone Company of Indiana, Inc., in Cause Number 35914 at a cost of \$15,000.00, all as more particularly set forth in said contract and supplemental agreement which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-136-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-47

SPECIAL ORDINANCE NO. S-137-80

AN ORDINANCE approving a contract
and supplemental agreement between
the City of Fort Wayne, Indiana and
Robert L. Thompson

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated March 1, 1980, as amended by supplemental agreement dated August 15, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and Robert L. Thompson, for his services as special counsel to the City in the hearings before the Public Service Commission of Indiana relative to the petition for rate increase filed by the General Telephone Company of Indiana, Inc., in Cause Number 35914 at a cost of \$15,000.00, all as more particularly set forth in said contract and supplemental agreement which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-137-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-41

RESOLUTION NO. R-93-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$400,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Wayne Metal Protection Company, Inc. to proceed with the acquisition, construction, and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Wayne Metal Protection Company, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a waste treatment equipment and a building to contain same at 1511 Wabash Avenue, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase, in approximately one job opportunity to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$400,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances

and resolution and authorized the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-93-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-42

RESOLUTION NO. R-94-80

A RESOLUTION finding, determining and ratifying in inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$300,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, JOHNSON FAMILY PARTNERSHIP, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 21,000 square foot warehouse facility, including the real estate on which it is to be located, and to be located at 4432 Ardmore Avenue, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 10 to potentially 60 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the economic development facilities on any similar facility already constructed or operating in or about Fort Wayne, Indiana, has been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbartz, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Absent: One

D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-94-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-10-43

RESOLUTION NO. R-95-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$300,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Colligan, Sheehan and Colligan, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Colligan, Sheehan and Colligan, an Indiana general partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a site (220 x 260) at 3737 Lake Avenue and new office building to be erected thereon (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 3-5 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA.

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schmiburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-95-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BLLL NO. R-80-11-06

RESOLUTION NO. R-96-80

A RESOLUTION authorizing matching grant of
\$1.8 Million for 650 space off-street
parking garage

WHEREAS, The redevelopment plans for the Fort Wayne Convention Center and the central City of Fort Wayne provide for the construction of off-street parking facilities of approximately 1000 spaces in the block bounded by Calhoun, Jefferson, Clinton and Washington Streets,

WHEREAS, construction of Phase I of said facilities providing for approximately 350 spaces has now been completed in the North half of said block and it is necessary and desirable in order to complete said plan to proceed with the construction and financing of Phase II of said off-street parking facilities containing approximately 650 spaces in the South half of said block;

WHEREAS, the cost of the second phase of said facility is estimated to be approximately \$4.2 Million and the Economic Development Administration has identified a grant of \$1.8 Million for the financing of said project provided the City of Fort Wayne provides matching funds of \$1.8 Million (the balance of approximately \$.6 Million to be supplied by Redevelopment Commission capital);

WHEREAS, the City of Fort Wayne has the authority and bonding capacity to issue its bonds to finance the City's share of said matching funds.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council approves the construction of Phase II of said off-street parking facilities composed of approximately 650 spaces as above set forth.

SECTION 2. That the Common Council commits itself to the securing of matching funds in the sum of \$1.8 Million for the financing and construction of said project by whatever means at its disposal, including the issuance of general obligation bonds of the City of Fort Wayne.

SECTION 3. That this Resolution shall be effective from and after passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Talarico
Nays: One
Burns
Abstained: Two
Schomburg, Stier
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-96-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-09-28

ZONING MAP ORDINANCE NO. Z-27-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-26, N-26,
M-30 & N-30

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B-2-D", Regional Shopping Center (Glenbrook Mall):

Property in the City of Fort Wayne, County of Allen and State of Indiana, to-wit:

Lots One to Sixteen (1-16), inclusive, in Rahdert's Subdivision in Section 26, Township 31 North, Range 12 East, according to the recorded plat thereof, or described by metes and bounds as follows:

Part of the Northeast Quarter of Section 26, Township 31 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to-wit: Commencing at the Northeast Corner of said Section; thence running West on the North line thereof a distance of 2673.6 feet to the centerline of the right-of-way line of the Lake Shore and Michigan Southern Railroad; thence South along the aforesaid right-of-way centerline a distance of 1318.3 feet to the Southwest Corner of the North Half of said Quarter Section; thence East on the South line of the North Half of said Quarter Section a distance of 1354.00 feet to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section; thence South on the West line of the tract aforementioned a distance of 1379.00 feet to the Southwest Corner of Lot 4 of Penn House Farm;

thence East on the South line of said lot a distance of 1321. 00 feet to the Southeast Corner thereof; thence North on the East line of said Lot and on the said line extended and coincident with the East line of the Northeast Quarter of said Section 26 a distance of 2710 feet to the place of beginning.

EXCEPTING THEREFROM Real Estate Quit-Claimed to the State of Indiana by Document Number 72-17438

ALSO:

Property in the City of Fort Wayne, County of Allen, and State of Indiana, to-wit:

Lot 4 and 5 in Fernhill Place, an Addition to the City of Fort Wayne, Indiana, according to the plat thereof, recorded in Plat Record 6, page 30, in the Records in the Office of the Recorder of Allen County, Indiana, said Addition being a Subdivision of the North twentyseven acres of the Southwest Quarter of the Northeast Quarter of SEction 26, Township 31 North, Range 12 East, Allen County, Indiana.

ALSO:

Lots Numbered 6, 7, 12 and 13 in Fernhill Place Amended Addition to Fort Wayne according to the plat thereof, recorded August 9, 1937, in Plat Record 14, Page 129 in the Office of the Recorder of Allen County, Indiana, and the vacated alley adjoining said lots on the East, as vacated by Declaratory Resolution Number 1364.

ALSO:

Lot Number 18 in Fernhill Place Amended Addition to the City of Fort Wayne as recorded in Plat Book 14, page 129, and the 12 foot vacated alley adjoining said Lot on the East.

ALSO:

The north 127 feet of Lot Number 5, Fernhill Place Amended Addition together with all rights in and to unimproved Rathert Lane to the north thereof, unimproved Dusing Avenue to the east thereof and in and to the unimproved alley between Lots 4 and 5 of said addition.

SECTION 2. The "B2" Shopping Center Symbol now located at the intersection of Coliseum Blvd., and Coldwater Road (.S.#27); City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. M26, N-26, M-30 and N-30, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-27-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-09-29

ZONING MAP ORDINANCE NO. Z-28-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14 & R-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B-2-A", Neighborhood Shopping Center (Laverne Plaza):

The North 689.5 feet of Lot 26; the North 689.5 feet of the East 115.5 feet of Lot 27; the North 475 feet to the West 49.5 feet of Lot #27 and the North 475 feet of the East 133 feet of Lot #28 in J.H. Feichter's Gardenview Addition.

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of East State Boulevard and the SE corner of Laverne Avenue; City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. R-14 and R-18, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Esibart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-28-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-08-20

GENERAL ORDINANCE NO. G-23-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Kinnaird Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort

Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

That portion of Kinnaird Avenue between the east rightof way line of Brooklyn Avenue and the west rightofway line of Vesey Avenue within the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, towit:

Beginning at the northwest corner of Parcel No. 3 of Hohnhausen's Subdivision of part of the northwest fractional quarter of Section 15, Township 30 North, Range 12 East, according to the plat thereof recorded in Plat Book 14, Page 29; thence north along the east rightofway line of Brooklyn Avenue a distance of 50 feet to the southwest corner of Lot No. 6 in Staley's Subdivision, according to the recorded plat thereof, thence east along the south line of said Lot No. 6 and the south line of Parcel 1 of said Hohnhausen's Subdivision to the southeast corner of said Parcel No. 1; thence south along the west rightofway line of Vesey Avenue a distance of 77.6 feet to a point on the north line of said Parcel No. 3; thence northwesterly and westerly along said north line of said Parcel to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this ORDinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-23-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-10-51

GENERAL ORDINANCE NO. G-24-80

AN ORDINANCE amending certain Schedules
of Chapter 17 of the Code of the City of
Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 4, Section 48, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

THRU STREET:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Harris Road	Coliseum Blvd.	Goshen Road
Lindenwood Avenue	Scholtz Road	West State Blvd. except at Spring Street

SECTION 2. That Schedule 5, Section 49, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

STOP INTERSECTION

Pontiac Street (Eastbound)	-STOP-	for Adams Street South-bound)
Huffman Street	-STOP-	for Jessie Avenue
Buckingham Drive	-STOP-	for Dartmouth Drive

SECTION 3. That Schedule 7, Section 90, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

NO PARKING:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wayne Street	North	Broadway	Van Buren Street
Wells Street	East	Cass Street	First Street
Harrison Street	West	Main Street	Alley South thereof
Harrison Street	West	Wayne Street	Alley South thereof
Wakefield Avenue	Wth	North Clinton	Riviera Drive
Barr Street	West	Rudisill Blvd.	The Southern terminus
East Berry Street	North	140 feet west of Anthony Blvd.	200 feet west thereof

SECTION 4. That Schedule 8, Section 91, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

NO PARKING 8 A.M. 9 A.M. & 3 P.M. - 4 P.M. WEEKDAYS ONLY

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Woodward Avenue East		220 feet north of East State Boulevard	Lynn Avenue

SECTION 5. That Schedule 10, Section 93 (a), Chapter 17, of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting therefrom the following:

ONE HOUR PARKING 8 A.M. - 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Harrison Street	East	Douglas Avenue	Brackenridge St.

SECTION 6. That Schedule 10, Section 93 (a), Chapter 17, of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

ONE HOUR PARKING 8 A.M. - 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Fulton Street	Both	Washington Blvd.	Jefferson Street

SECTION 7. That Schedule 12, Section 93 (c), Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

TWO HOUR PARKING 8 A.M. - 3 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Harrison Street	West	Douglas Avenue	Brackenridge Street

SECTION 8. That Schedule 12, Section 93 (c), Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

TWO HOUR PARKING 8 A.M. - 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Harrison Street	East	Douglas Avenue	Brackenridge Street

SECTION 9. That Schedule 14, Section 93 (e), Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting therefrom the following:

THIRTY MINUTES PARKING 8 A.M. - 3 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Harrison Street	West	Douglas Avenue	Brackenridge Street

SECTION 10. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-24-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-33

RESOLUTION NO. R-LOST

A DECLARATORY RESOLUTION designating an
"Urban Development Area" under I.C. 6-1.1-12.1

WHEREAS, William I. Yagey filed his petition dated July 3, 1980, for designation of the following described property as an "Urban Development Area" in accordance with Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 and I.C. 6-1.1-12.1, to-wit:

The east 3.5 feet of the north 133 feet of Lot 86 and the south 23 feet of Lots 85 and 86 and the south 23 feet of the east 34 feet of Lot 84 in Rockhill's Amended Addition to the City of Fort Wayne, Allen County, Indiana, together with one-half (1/2) of the vacated alley adjoining on the south thereof said east 34 feet of Lot 84, said Lot 85 and said Lot 86 in Rockhill's Amended Addition to the City of Fort Wayne, Allen County, Indiana, and all of Lots numbered 87, 88 and 89 in Rockhill's Amended Addition to the City of Fort Wayne, Allen County, Indiana, together with one-half (1/2) of the vacated alley adjoining said Lots 87, 88 and 89 on the south thereof; also Lots 95, 96, 97, 98, 99 and 100 in Rockhill's Amended Addition to the City of Fort Wayne, Allen County, Indiana, together with one-half (1/2), of the vacated alley adjoining said Lots numbered 95, 96, 97, 98, 99 and 100 on the north thereof in Rockhill's Amended Addition to the City of Fort Wayne, Allen County, Indiana.

located at and commonly known as:

800 Broadway
Fort Wayne, Indiana 46802

WHEREAS, it appears that said petition should be processed to final final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That subject to the requirements of Section 2, below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
 GiaQuinta, Nuckols, Stier, Talarico
Nays: Three
 Burns, Eisbart, V. Schmidt
Abstained: One
 Schomburg
Absent: One
 D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

BILL NO. S-80-10-53

SPECIAL ORDINANCE NO. S-138-80

AN ORDINANCE approving a contract
with Wayne Asphalt Construction Company
for restoring and resurfacing part of
Elmer Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated October 9, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Wayne Asphalt Construction Company, for:

restoring and resurfacing from the north
curb line of Elmer Avenue to the north pavement line of Franke Park Drive; Oakland
Street from the north curb line of Margaret Avenue to the south curb line of State
Boulevard; Rosemont Drive from the west property line of North Highlands Boulevard
to the east property line of Lot #41, Rosemont Addition, more particularly known
as 1519 Rosemont Drive; Washington Center Road from the east pavement line of Industrial
Road to a point approximately 400 ± feet east thereof.

under Board of Public Works Street Improvement Resolution No. 588880, at a total cost of \$43,394.25
to be paid from Revenue Sharing Funds, all as more particularly set forth in said Contract which is
on file in the Office of the Board of Public Works and is by reference incorporated herein and made
a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-138-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November,
1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-54

SPECIAL ORDINANCE NO. S-139-80

AN ORDINANCE approving Change Order
No. 1, in connection with the Oxford
Phase V project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to L.W. Dailey, Inc. in connection with Oxford Phase V, for:

curbs and sidewalks on Boltz Street
from East of Lafayette Street to
West of Warsaw Street

in the amount of \$9,746.50, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-139-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-55

SPECIAL ORDINANCE NO. S-140-80

AN ORDINANCE approving Change Order No.
1, in connection with the Oxford Phase
V-8 project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Gateway Construction Company in connection with the Oxford Phase VB project, for:

curbs on Gay Street between Colerick
and McKee Streets,

in the amount of \$6,406.99. as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof is hereby in all things

ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-140-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-56

SPECIAL ORDINANCE NO. S-141-80

AN ORDINANCE approving a contract
between the City of Fort Wayne,
Indiana and David S. Richey

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 1, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and David S. Richey, a utility specialist attorney, as special counsel to represent the City and its City Utilities before the Public Service Commission of Indiana in the hearings relative to the submission of the petition for a rate increase and refund filed by the Indiana & Michigan Electric Company now pending in Cause Number 34588, at a cost of \$15,000.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 D. Schmdit

Date: 11-25-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-141-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk

Vivian G. Schmidt
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-80-10-57

SPECIAL ORDINANCE NO. S-142-80

AN ORDINANCE approving a contract with
 Butler & Butler Corporation, Inc. for
 Water Improvement Resolution No. 1021-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated October 9, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Butler & Butler Corporation, Inc. for:

Water Improvement Resolution No. 102180 for
 the installation of water main on Kelmar Drive
 from Mason Drive, eastward 664 ± linal feet

for a total cost of \$18,418.00 which will be paid under Barrett law by the propety owners, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 D. Schmidt

Date: 11-25-80

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-142-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-10-58

SPECIAL ORDINANCE NO. S-143-80

AN ORDINANCE approving a contract for
Water Main Contract #8007 between the
City of Fort Wayne, Indiana and Newdawn
Developers, Inc. for construction of water
main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated August 27, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Newdawn Developers, Inc. for:

construction of a water main system for the Olympia Heights Addition, as follows:
On Harris Road from an existing 12" water main on Goshen Road, northward 630
feet to Olympia Court; and on Olympia Court from Harris Road, eastward 720 feet
to its terminus

under Board of Public Works Water Main Contract #8007, at a total cost of \$7,561.50 to be paid by City Utilities, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-143-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November,

1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-08-12

ANNEXATION ORDINANCE NO. X-07-80

AN ORDINANCE annexing certain territory commonly known as Airport Professional to Fort Wayne, and including the same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Beginning at the intersection of the south right-of-way line of Cook Road and the west line of Section 14, Township 31 North, Range 12 East; thence continuing west along the south right-of-way line of Cook Road a distance of 1,044.2 feet to the true point of beginning; thence south along the present City limits a distance of 866.5 feet to a point; thence west along the present City limits as defined by ordinance X-26-69 to the east right-of-way line of State Road 3 (Lima Road); thence north along the east right-of-way line of Lima Road to the south right-of-way of Cook Road, thence east along the south right-of-way line of Cook Road to the point of beginning, an area of 25.83 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year from the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

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Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-07-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-13

RESOLUTION NO. R-97-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Airport Professional area

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed area; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Airport Professional annexation area, more specifically described, to-wit:

Beginning at the intersection of the south right-of-way line of Cook Road and the west line of Section 14, Township 31 North, Range 12 East; thence continuing west along the south right-of-way line of Cook Road a distance of 1,044.2 feet to the true point of beginning; thence south along the present City limits a distance of 866.5 feet to a point; thence west along the present City limits as defined by ordinance X-26-69 to the east right-of-way line of State Road #3 (Lima Road); thence north along the east right-of-way line of Lima Road to the south right-of-way of Cook Road; thence east along the south right-of-way line of Cook Road to the point of beginning, an area of 25.83 acres, more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Airport Professional annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R56-79 with regard to the provision of non-capital and capital services to the annexation area.
2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.
3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.
4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Airport Professional annexation ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomubrg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-97-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-08-37

ANNEXATION ORDINANCE NO. X-08-80

AN ORDINANCE annexing certain territory,
commonly known as Ironstone Place to Fort
Wayne, and including the same in Councilmanic
District No. 4.

WHEREAS, the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 34 & 35, Township 30 North,
Range 12 East, Allen County, Indiana, described as follows, to-wit:

35 acres, being Lot #1 on the plat representing a survey and subdivision of the part of Richardville Reserve, situated on the West bank of the St. Mary's River, Township 30 North, Range 12 East, Allen County, Indiana (also known as Siemon's Subdivision), as established by the survey map thereof, as appearing in Deed Record 106, pages 140-141 in the Office of the Recorder of Allen County, Indiana, subject to all legal roads and highways.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time on one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of and utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved

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and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana of 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

John Nuckols
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: ONE

D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-08-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-08-38

RESOLUTION NO. R-98-80

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of Ironstone Place

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas, and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of Ironstone Place, more specifically described, to-wit:

Part of Section 34 & 35, Township 30 North,
Range 12 East, Allen County, Indiana, described as follows, to-wit:

35 acres, being Lot #1 on the plat representing a survey and subdivision of that part of Richardville Reserve, situated on the West bank of the St. Mary's River, Township 30 North, Range 12 East, Allen County, Indiana (also known as Siemon's Subdivision), as established by the survey map thereof, as appearing in Deed Record 106, pages 140-141 in the Office

of the Recorder of Allen County, Indiana, subject to all legal roads and highways.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R5679 with regard to the provision of non-capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Ironstone Place annexation ordinance.

John Nuckols
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burs, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 11-25-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-98-80 on the 25th day of November, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-01

SPECIAL ORDINANCE NO. S-144-80

AN ORDINANCE approving Civil City Purchase Order No. 4-09296 with Midwest Fire & Safety Equipment Co., Inc. for a boom water tower for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Civil City Purchase Order No. 409296 dated November 21, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and Midwest Fire & Safety Equipment Co., Inc. for the purchase of a boom water tower to be used

in the Fire Department at a cost of \$47,898.03, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-144-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11- 02

SPECIAL ORDINANCE NO. S-145-80

AN ORDINANCE approving a contract between
the City of Fort Wayne and Commercial
Warehouse and Cartage, Inc. for fire protection
to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated June 1, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and Commercial Warehouse and Cartage, Inc. and the furnishing of fire protection by the Fort Wayne Fire Department to premises of Commercial Warehouse and Cartage, Inc. outside the city limits, described as follows, to-wit:

2425 American Way
Allen County, Indiana

at a cost to Commercial Warehouse and Cartage, Inc. of \$1,539.82 all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be desposited in the City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. That Ordinance shall be effective upon its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote: ,

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-145-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-03

SPECIAL ORDINANCE NO. S-146-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-09297 with Midwest Fire &
Safety Equipment Co., Inc. for two pumpers
for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09297, dated November 21, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and Midwest Fire & Safety Equipment Co., Inc. for the purchase of two pumpers to be used in the Fire Department at a cost of \$123,545.54, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-146-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-25

SPECIAL ORDINANCE NO. S-147-80

AN ORDINANCE approving an Agreement between
the City of Fort Wayne, Indiana, and Carty,
Dolan, O'Neill and Monahan, Inc. for a
study and evaluation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated November 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Carty, Donlan, O'Neill and Monahan for:

to assist in a study and evaluation of the City's communications services, equipment and agreements and in implementing any new system,

at a cost of \$23,000.00 (Phase I: \$9,000.00; Phase II: \$14,000.00), all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-147-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-29

SPECIAL ORDINANCE NO. S-148-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, (K & H Realty Corporation Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the K & H Realty Corporation Project regarding the financing of proposed economic development facilities for K & H Realty Corporation consisting of an addition to a supermarket at 3905 East State Street in the City of Fort Wayne and the Fort Wayne Planning Commission has commented favorably thereon and this Council has previously adopted an Inducement Resolution approving said Project; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1980, and also adopted a Resolution on November 21, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of K & H Realty Corporation complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to K & H Realty Corporation for the acquisition and construction of such facilities and the equipping thereof, the payment of said series of revenue bonds by the note payments of K & H Realty Corporation under the Loan Agreement and Series 1980 Note, the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (K & H Realty Corporation Project), in the total principal amount of Two Hundred Fifty Thousand (\$250,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by K & H Realty Corporation under the Loan Agreement, and this 1980 Note, or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers at a rate of interest on the bonds not to exceed 10% per annum and at a price not less than 100 % of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers.

SECTION 6. The provision of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1980 (K & H Realty Corporation Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-148-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-30

SPECIAL ORDINANCE NO. S-149-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Lien Revenue Bonds, (Scott's Food Stores, Inc. Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Scott's Food Stores, Inc. Project regarding the financing of proposed economic development facilities for Scott's Food Stores, Inc. consisting of machinery and equipment for an addition to the supermarket at 3905 East State Street in the City of Fort Wayne, and the Fort Wayne Planning Commission has commented favorably thereon; and this Council has previously adopted an Inducement Resolution approving said Project; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1980, and also adopted a Resolution on November 21, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Scott's Food Stores, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Equipment Loan Agreement, Series 1980 Note, Security Agreement and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Equipment Loan Agreement approved by the Fort Wayne Economic Development

Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to Scott's Food Stores, Inc. for the acquisition of such facilities, the payment of said series of revenue bonds by the note payments of Scott's Food Stores, Inc. under the Equipment Loan Agreement and Series 1980 Note, the securing of said bonds by granting a security interest in such facilities to the Trustee under the Security Agreement and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Equipment Loan Agreement, Series 1980 Note, Security Agreement and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Lien Revenue Bonds, Series 1980 (Scott's Food Stores, Inc. Project), in the total principal amount of Two Hundred Thousand (\$200,000.00) for the purpose of procuring funds to pay the costs of acquisition of the economic development facilities as more particularly set out in the Security Agreement and Indenture of Trust and Equipment Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Scott's Food Stores, Inc. under the Equipment Loan Agreement, and the Series 1980 Note; or as otherwise provided in the above described Security Agreement and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers at a rate of interest on the bonds not to exceed 10% per annum and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Security Agreement and Indenture of Trust, payment for which will be made to the Trustee named in the Security Agreement and Indenture of Trust and delivered by the Trustee to the purchasers.

SECTION 6. The provisions of this Ordinance and the Security Agreement and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Lien Revenue Bonds, Series 1980 (Scott's Food Stores, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-149-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

SPECIAL ORDINANCE NO. S-150-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, (Scott's Foodlane, Inc., Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Scott's Foodlane, Inc. Project regarding the financing of proposed economic development facilities for Scott's Foodlane, Inc. consisting of an addition, machinery and equipment for a supermarket at Sherman and Spring Streets in the City of Fort Wayne and the Fort Wayne Planning Commission has commented favorable thereon and this Council has previously adopted an Inducement Resolution approving said Project; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1980, and also adopted a Resolution on November 21, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Scott's Foodlane, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust; now therefore, I

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of said revenue bonds to Scott's Foodlane, Inc. under the Loan Agreement and Series 1980 Note, the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Series 1980 Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Scott's Foodlane, Inc. Project), in the total principal amount of Three Hundred Fifty Thousand (\$350,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated hererin by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Scott's Foodlane, Inc. under the Loan Agreement, and the Series 1980 Note, or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness, or charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers at a rate of interest on the bonds not to exceed 10% per annum and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1980 (Scott's Foodlane, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-150-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-05

RESOLUTION NO. R-100-80

A RESOLUTION authorizing payment for
repair of equipment

WHEREAS, (1) the following City equipment was damaged in accidents, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>EQUIPMENT</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged sign posts in various locations throught the city	\$4,200.00	Hall Signs, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for equipment repair works as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Burns and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana

as Resolution No. R-10080 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-26

RESOLUTION NO. R-101-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$450,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Bruce E. Winebrenner to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Bruce E. Winebrenner, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be the construction of an 18,000 square foot plant and office facility on Lot 9 in Centennial Industrial Park, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 15 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$450,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the

Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-101-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-27

RESOLUTION NO. R-102-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$150,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the

funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, C.L. Schust Co., Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be equipment to be located in a new building on Lot 9 in Centennial Industrial Park in Indiana. (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 15 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$150,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schimdt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-102-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-28

RESOLUTION NO. R-103-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Ellison Development Company to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Ellison Development Company, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a commercial office building and equipment on a two acre site on Ellison Road at U.S. #24 West in Aboite Township, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 33 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms

that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-103-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-104-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-28

RESOLUTION NO. R-103-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Ellison Development Company to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Ellison Development Company, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a commercial office building and equipment on a two acre site on Ellison Road at U.S. #24 West in Aboite Township, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 33 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms

BILL NO. R-80-12-04

RESOLUTION NO. R-104-80

A RESOLUTION authorizing the transfer of
funds from Account No. 402-010-015-4111
"Salaries" to various other accounts in
the 1980 Budget of the Fire Department

WHEREAS, it has become necessary to transfer funds to various accounts in the 1980 Budget of the Fire Department for which adequate funds exist in Account No. 4020100154111 "Salaries" and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sums listed below to the various accounts listed below of the 1980 Budget of the Fire Department:

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
402-010-015-4321	Gasoline	\$ 9,500.00
402-010-015-4620	Retirement	19,485.00
402-010-015-4726	Other Equipment	10,000.00
	TOTAL	\$38,985.00

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-015-4111 "Salaries" is hereby reduced in the amount of \$38,985.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-104-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

588
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-05

RESOLUTION NO. R-105-80

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-014-4630 "Grants & Subsidies" to Account No. 402-010-014-4581 "Investigations" in the 1980 Budget of the Police Department

WHEREAS, it has become necessary to transfer funds to Account No. 4020100144581 "Investigations" in the 1980 Budget of the Police Department for which adequate funds exist in Account No. 402010-014-4630 "Grants & Subsidies", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$20,800.00 to Account No. 4020100144581 "Investigations" of the 1980 Budget of the Police Department.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-014-4630 ^{Grants & Subsidies} reduced in the amount of \$20,800.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-105-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-06

RESOLUTION NO. R-106-80

A RESOLUTION authorizing the transfer of funds from Account Nos. 402-010-002-4111 "Salaries" and 402-010-002-4510 "Insurance" to Account No. 402-010-002-4620 "Retirement and Social Security" in the 1980 Budget of the City Controller

WHEREAS, it has become necessary to transfer funds to Account No. 4020100024620 "Retirement and Social Security" in the 1980 Budget of the City Controller for which adequate funds exist in Account Nos. 4020100024111 "Salaries" and 4020100024510 "Insurance", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$175,000.00 to Account No. 4020100024620 "Retirement and Social Security" of the 1980 Budget of the City Controller.

SECTION 2. That the unappropriated and unexpended balance of Account Nos. 402010-002411 "Salaries" and 402-010-002-4510 "Insurance" is hereby reduced in the amounts of \$5,000.00 and \$170,000.00 respectively.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-106-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-07

RESOLUTION NO. R-107-80

A RESOLUTION authorizing the transfer of funds from Account Nos. 402-010-018-4111

"Salaries", 402-010-018-4213 "Travel" and
402-010-018-4520 "Rents" to Account No.
402-010-018-4722 "Motor Equipment" in the
1980 Budget of the Communications Department

WHEREAS, it has become necessary to transfer funds to Account No. 4020100184722 "Motor Equipment" in the 1980 Budget of the Communications Department, for which adequate funds exist in Account Nos. 4020100184111 "Salaries", 4020100184213 "Travel" and 4020100184520 "Rents", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$8,425.00 to Account No. 402010184722 "Motor Equipment" of the 1980 Budget of the Communications Department.

SECTION 2. That the unappropriated and unexpended balance of Account Nos. 402010-0184111 "Salaries", 402-010-018-4213 "Travel" and 4020100184520 "Rents" is hereby reduced in the amounts of \$3,325.00, \$1,000.00 and \$4,100.00 respectively.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-107-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-08

RESOLUTION NO. R-108-80

A RESOLUTION authorizing the transfer of
funds from various accounts in the 1980
Budget of the Traffic Engineering Department
to various other accounts in the
1980 Budget of the Traffic Engineering
Department

WHEREAS, it has become necessary to transfer funds to various accounts in the 1980

Budget of the Traffic Engineering Department for which adequate funds exist in various other accounts in the 1980 Budget of the Traffic Engineering Department and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sums listed in column 1 below are hereby transferred from the numbered accounts of the 1980 Budget of the Traffic Engineering Department specified in column 2 below in the amounts listed in column 3 below to accounts numbers specified in column 4 below in the 1980 Budget of the Traffic Engineering Department:

(1)	(2)	(3)	(4)
AMOUNT	FROM ACCOUNT NO.	AMOUNT	TO ACCOUNT NO.
10,600	402-010-011-4111	7,000	402-010-011-4321
9,900	402-010-011-4265		
1,300	402-010-011-4230	1,250	402-010-011-4331
2,000	402-010-011-4430		
800	402-010-011-4440	18,250	402-134-044-4001
800	402-010-011-4213		
1,100	402-010-011-4270		
<u>26,500</u>	TOTAL	<u>26,500</u>	TOTAL

SECTION 2. That the unappropriated and unexpended balance of the various accounts listed above in column (2) is hereby reduced respectively in the amounts listed above column (1) in the total amount of \$26,500.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-9-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-108-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-09

RESOLUTION NO. R-109-80

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-010-411 "Salaries and Wages, Regular" to various other accounts in the 1980 Budget of Street Engineering Department

WHEREAS, it has become necessary to transfer funds to various accounts in the 1980 Budget of the Street Engineering Department for which adequate funds exist in Account No. 402010-0104111 "Salaries and Wages, Regular" and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sums listed below to the various accounts listed below of the 1980 Budget of the Street Engineering Department:

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
402-010-010-4270	Personnel Services	\$17,000.00
402-010-010-4321	Gasoline	1,200.00
402-010-010-4722	Motor Equipment	8,000.00
	TOTAL	\$26,200.00

SECTION 2. That the unappropriated and unexpended balance of Account No. 402010-0104111 "Salaries and Wages, Regular" is hereby reduced in the amount of \$26,200.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-109-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-11

RESOLUTION NO. R-110-80

A RESOLUTION authorizing the transfer of funds from Account Nos. 402-019-4111 "Salaries" and 402-010-019-4430 "Repair Parts" to Account No. 402-010-019-4333 "Medical Supplies" in the 1980 Budget of the Emergency Medical Services Department

WHEREAS, it has become necessary to transfer funds to Account No. 4020100194333

"Medical Supplies" in the 1980 Budget of the Emergency Medical Services Department, for which adequate funds exist in Account Nos. 4020100194111 "Salaries" and 4020100194430 "Repair Parts", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$8,500.00 to Account No. 402010019433 "Medical Supplies" of the 1980 Budget of the Emergency Medical Services Department.

SECTION 2. That the unappropriated and unexpended balance of Account Nos. 402010-0184111 "Salaries" and 4020100194430 "Repair Parts" is hereby reduced in the amounts of \$6,500.00 and \$2,000.00 respectively.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-110-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-8-12-12

RESOLUTION NO. R-111-20

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-006-4111 "Salaries" to various other accounts in the 1980 Budget of the Board of Works

WHEREAS, it has become necessary to transfer funds to various accounts in the 1980 Budget of the Board of Works for which adequate funds exist in Account No. 4020100064111 "Salaries" and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sums listed below to the various accounts listed below of the 1980 Budget of the Board of Works.

<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
402-010-4214	Telephone & Telegraph	\$2,000.00
402-010-006-4252	Repair of Equipment	200.00
402-010-006-4324	Other Garage & Motor	
	Supplies	1,000.00
402-010-006-4361	Official Records	300.00
402-010-006-4363	Other Office Supplies	800.00
402-010-006-4370	Other Supplies	200.00
402-010-006-4521	Machine Rental	1,500.00
		\$6,000.00

SECTION 2. That the unappropriated and unexpended balance of Account No. 402010-0064111 "Salaries" is hereby reduced in the amount of \$6,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-111-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-13

RESOLUTION NO. R-112-80

A RESOLUTION authorizing payment to
various agencies for repair of various
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
EMS Vehicle #2 1979 C-30 Cheyenne License #MO 19592	\$ 430.00	Parr Garage
Board of Park Commissioners Vehicle \$102 1976 Pontiac Astre License #10206	1,177.91	Davis Auto Co.
Police Department Vehicle #54 1980 Dodge Aspen License #34422 IN "80	169.93	Koester's Body Shop
Police Department Vehicle #123 License #2D9999	234.42	Allen County Motors
Police Department Vehicle #12 License #MO-11112	169.00	Allen County Motors
Police Department License #2C9971	236.09	Allen County Motors
Board of Works Vehicle Unit #10 License #MO 2745	255.26	Board of Works Repair of Damages Account
TOTAL	\$2,672.61	

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-112-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-14 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-29-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B2-A, Neighborhood Shopping Center (Tillman Shopping Ctr.):

Part of the SE 1/4 of the Frl SE 1/4 of Section 26, T 30 N, R 12 E, in Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at a point situated on the E line of the SE 1/4 of Section 26, T 30 N, R 12 E, said point being 1110.0' S of the NE corner of the SE 1/4 of the Section 26, T 30 N, R 12 E; thence W along a line parallel to the N line of the aforesaid SE 1/4 of the SE 1/4 of Section 26 a distance of 700' to a point situated 619.5' E of the W line of the SE 1/4 of the SE 1/4 Section 26; thence S on a line parallel to the aforesaid W line a distance of 320.7' to the centerline of the public highway known as Tillman Road; thence eastward along the aforesaid Tillman Road centerline a distance of 702.8' to the E line of the SE 1/4 of Section 26, T 30 N, R 12 E; thence N along the aforesaid E line a distance of 256.5' to the point of beginning, containing 4.61 acres of land, more or less, subject to road rights-of-way and easements.

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of Tillman Road approximately 1400 feet West of Hanna Street; City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. M-27, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-29-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-15

ZONING MAP ORDINANCE NO. Z-30-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B-2-D", Regional Shopping Center (Northcrest):

Part of the South 40 acres of the Southwest quarter of Section 24, part of the North 60 acres of the West half of the Southwest quarter of Section 24 and part of the North 60 acres of the East half of the Southwest quarter of Section 24, all in Township 31 North, Range 12 East in Allen County, Indiana, more particularly described as follows; to-wit:

Beginning at a point on the South line of the Southwest quarter of Section 24, Township 31 North, Range 12 East, said point being situated 681.48 feet West of the Southeast corner of the Southwest Quarter of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence North 38 degrees 13 minutes 50 seconds East 347.14 feet along the West right-of-way line of Indiana State Road Number 1 and 427 to a point of curvature; thence continuing along said Westerly right-of-way line of Indiana State Road Numbered 1 and 427 on a curve to the left having a radius of 1835.16 feet a distance of 1232.2 feet to a point of tangency; thence continuing along said West right-of-way line North 18 minutes 10 seconds West 321.1 feet to the centerline of Stone Run Creek at a point situated 263.1 feet South of the Southeast corner of Lot 1, Northcrest Section 1, Extended as recorded in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana; thence Westerly following the meanders of Stony Run Creek to the intersection of Stony Run Creek and the centerline of Wakefield Avenue as shown on the plat of Northcrest, Section 1, Extended, an Addition to the City of Fort Wayne, Indiana; thence North 18 degrees 20 minutes 20 seconds East 39.01 feet along said centerline of Wakefield Avenue to the projected South line of Lot Numbered 287, Northcrest, Section 2, an Addition to the City of Fort Wayne, Indiana, recorded in Plat Book 22, pages 134 and 137 in the Office of the Recorder of Allen County, Indiana; thence North 87 degrees 13 minutes West 143.0 feet along the South line of said Lots Numbered 286 and 287; thence South 25 degrees 02 minutes West 625.8 feet; thence North 64 degrees 58 minutes West 130.0 feet; thence South 25 degrees 02 minutes West 348.0 feet; thence West 228.63 feet; thence South 29 degrees 43 minutes West 48.87 feet; thence South 58 degrees 47 minutes 30 seconds West 313.58 feet to an iron pin; thence South 1 minute 30 seconds East 357.6 feet to the South line of Noble Drive as recorded in Deed Record 524 page 203 in the Office of the Recorder of Allen County, Indiana; said South line of Noble Drive being also the North line of a tract held by Van Orman - Northcrest Corporation, being the tract described in Deed Record 506, page 295; thence North 89 degrees 58 minutes 50 seconds East 29.3 feet along the North line of said tract held by Van Orman - Northcrest Corporation, being the tract described in Deed Record 506, page 295; to the Northeast corner of said tract; thence South parallel to the centerline of United States Highway Numbered 27 along the East line of said tract held by Van Orman - Northcrest Corporation, being the tract described in Deed Record 506, page 295 as projected south a distance of 455.75 feet to the South line of the Southwest quarter of said Section 24; thence Easterly along said South line of the Southwest quarter of said Section 24 a distance of 1167.79 feet to the point of beginning.

SECTION 2. The "B-2" Shopping Center Symbol located at the intersection of Clinton Street and Coliseum Boulevard, East; City of Fort Wayne, Indiana zoning may under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning May No. N-26, referred to therein, established by Section 33-11, of said Chapter be deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-30-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-18

ZONING MAP ORDINANCE NO. Z-31-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27, 0-31,
P-27 & P-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area designated as follows is hereby designated a "B-2-C", Metropolitan Shopping Ctr. (South K-Mart):

Part of the North one-half of the Northeast Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing on the North line of the tract aforesaid, further defined as the centerline of the public road known as the Tillman Road, at a point situated 934.0 feet East of the North Quarter corner of said Section at station 6:50 on Line S31C U. Sh. Highway No. 27 Proj. 575 (12) 1954; thence South by a deflection right of 90 degrees, a distance of 25.0 feet; thence Southwesterly along the right-of-way of said Highway by a deflection right of 71 degrees 59 minutes, a distance of 49.2 feet to a deflection in said right-of-way at Station 879:17 line "C" of said Highway; thence Southwesterly along the 87 feet right-of-way line of said Highway by a deflection left of 126 degrees 02 minutes, a distance of 2017.0 feet to a point of deflection in said right-of-way line at Station 859:00 Line "C"; thence continuing Southeasterly by a deflection left of 2 degrees 52 minutes, a distance of 80.0 feet to a point of deflection in said right-of-way line at Station 858:20, situated 91 feet from said Line "C"; thence Northeasterly along said right-of-way line by a deflection left of 85 degrees 03 minutes, a distance of 79.2 feet to a point on the West right-of-way line of the public road known as the Oetting Road; thence East by a deflection right of 51 degrees 53 minutes, a distance of 20 feet to the centerline of the Oetting Road, further defined as the East line of the Quarter Section, and designated Line S-30-X on said State Highway Plans to a point at Station 6:25 on said Line S-30-C; thence North on the aforesaid centerline of the Oetting Road, a distance of 819.0 feet to the centerline of the public road known as the Decatur Road; thence Northwesterly along said Road centerline by a deflection left of 55 degrees 21 minutes, a distance of 471.6 feet to a point of curve; thence continuing Northwesterly on the arc of a 5 degree 11 minutes, more or less, curve right, a distance of 190.1 feet, the chord to which curve deflects right 4 degrees 57 minutes from the preceding course, a distance of 190.7 feet to the North line of the Quarter Section and the centerline of the Tillman Road; thence West on the centerline of said Road by a deflection left of 39 degrees 14 minutes from the chord of the preceding course, a distance of 422.5 feet, more or less, to the East line of a Parcel conveyed to Louis H. Gladieux, Sr., and Olive B. Gladieux by instrument recorded in Deed Record 473, page 433, and by deed, situated 1693 feet East of the Northwest corner of said Quarter Section; thence South on a line parallel to the West line of said Quarter Section, a distance of 170 feet; thence West on a line parallel to the North line of said Quarter Section, a distance of 495 feet to the Southwest corner of a parcel conveyed to Herman F. Gearhart and Leona Gearhart by instrument recorded in Deed Record 543, page 510 and by deed, situated 1198.0 feet East of the West line of said Quarter Section; thence North on a line parallel to the line aforesaid, a distance of 170 feet to the centerline

of the Tillman Road; thence West on the line aforesaid, a distance of 264 feet, more or less, to the point of beginning; containing 23.06 acres, more or less; SUBJECT to the Tillman Road upon and over the North 25 feet thereof; SUBJECT to the Oetting Road upon and over the East 25 feet thereof; SUBJECT to the Decatur Road upon and over a strip of land 44 feet wide Southwesterly on the centerline of said Road on the Northeast border of the Subject Property.

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of Tillman Road and Anthony Boulevard; City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. 027, 031, P27 and P31, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-31-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-19

ZONING MAP ORDINANCE NO. Z-32-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18 and V-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B-2-C", Metropolitan Shopping Center, (Georgetown Square):

Part of the Fractional Northwest Quarter of Section 34, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the Fractional Northwest Quarter of Section 34, Township 31 North, Range 13 East, Allen County, Indiana, said point being 273.0 feet North of the Southwest corner of the Fr1. NW 1/4 of Sect. 34-31-13; thence North 00 degrees 13 minutes West along the West line of the Fr1. NW 1/4 of Sect. 34-31-13 a distance of 412.5 feet to a point on the centerline of East State Boulevard; thence North 53 degr. 49 min. East along the center line of East State Blvd., a distance of 1779.09 feet to a

point on the West line of Lake Forest, Section I; thence South 00 degr. 17 min. East a distance of 1300 feet; thence South 89 degr. 56 min. West a distance of 454.73 feet; thence South 00 degr. 13 min. East a distance of 156.36 feet; thence South 89 degr. 40 min. West a distance of 113.54 feet; thence South 89 degr. 47 min. West a distance of 873.19 feet to the point of beginning, containing 27.21 acres, subject to road rights-of-way and easements

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of Maplecrest Road and E. State Boulevard; City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. U-18 & V-18, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-32-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-48

ZONING MAP ORDINANCE NO. Z-33-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. S10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots 2 and 3 in Curdes Homewood
Acres Addition to the City of Fort
Wayne, Indiana

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-33-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-50 (AS AMENDED)

ZONING ORDINANCE NO. Z-34-80

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. S10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots 29, 30, 31, 32 and the West 130 feet of Lots 27 and 28 in Curdes Homewood Acres Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book 8, page 46, in the Office of the Recorder of Allen County, Indiana.

SECTION 2. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. S10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

The East 131 feet of Lots #27 & #28 in Curdes Homewood Acres Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book 8, page 46, in the Office of the Recorder of Allen County, Indiana.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-34-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-16

ZONING MAP ORDINANCE NO. Z-35-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27 & 0-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B-2-D", Regional Shopping Center (Southtown Mall):

A part of the NE 1/4, a part of the SE 1/4, a part of the SE 1/4 of the NW 1/4 and a part of the N 1/2 of the SW 1/4 of Section 36, T 30 N, R 12 E, Allen County, Indiana, more particularly described as follows:

Commencing at the NW corner of the NE 1/4 of Section 36, T 30 N, R 12 E, also being the point of beginning; thence S 89 degrees 37' 00" E 413.00 feet on and along the N line of the NE 1/4 of Section 36; thence S 00 degrees 23' 00" W 25 feet to the S right-of-way line of U.S. #27 & #33; thence S 84 degrees 47' 00" E 178.20 feet on and along the southwestern right-of-way of U.S. #27 & #33; thence S 53 degrees 40' 00" E 2454.99 feet to a point on the southwestern right-of-way line of U. S. #27 & #33; thence S 15 degrees 16' 56" E 210.76 feet; thence S 89 degrees 44' 47" E 20.00 feet to the E line of the NE 1/4 of Section 36, thence S 00 degrees 15' 13" W 276.20 feet on and along the E line of the NE 1/4 of Section 36 to the NE corner of the S 1/2 of the NE 1/4 of Section 36; thence N 89 degrees 53' 33" W 1512.57 feet on and along the N line of the S 1/2 of the NE 1/4 of Section 36; thence S 52 degrees 17' 16" W 570.79 feet; thence S 00 degrees 15' 13" W 350.00 feet parallel with the E line of the NE 1/4 of Section 36; thence N 80 degrees 53' 33" W 676.79' parallel with the N line of the S 1/2 of the NE 1/4 of Section 36 running to the W line of the SE 1/4 of Section 36; thence S 00 degrees 00' 11" W 357.71' on and along the W line of the SE 1/4 of Section 36; thence N 89 degrees 41' 41" and parallel to the N line of the SW 1/4 of Section 36 to its intersection with the W line of the NE 1/4 of the SW 1/4 of Section 36; thence continuing N 89 degrees 41' 41" W 400' thence N 00 degrees 00' 11" E 400' to the N line of the SW 1/4 of Section 36' thence 89 degrees 41' 41" E 400' on and along the N line of the SW 1/4 of Section 36; thence N 00 degrees 00' 11" E 82.4 feet on and along the W line of the SE 1/4 of the NW 1/4 of Section 36; thence South 89 degrees 41' 41" E 228 feet parallel to the N line of the SW 1/4 of Section 36; thence N 00 degrees 00' 11" E 385' parallel to the W line of the SE 1/4 of the NW 1/4 of Section 36; thence N 89 degrees 41' 41" W 228' parallel to the S line of the SE 1/4 of the NW 1/4 of Section 36 to its intersection with the W line of the SE 1/4 of the NW 1/4 of Section 36' thence N 00 degrees 00' 11" E on and along the W line of the SE 1/4 of the NW 1/4 of Section 36 to its intersection with the N line of the SE 1/4 of the NW 1/4 of Section 36; thence S 89 degrees 39' 16" E on & along the N line of the SE 1/4 of Section 36 to its intersection with the W line of the NE 1/4 of Section 36; thence N 00 degrees 00'

11" E 1315.43' on and along the W line of the NE 1/4 of Section 36 to the point of beginning, containing 145.882 acres, more or less.

SECTION 2. The "B2" Shopping Center Symbol now located at the intersection of U.S. #27 and Tillman Road; City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. 0-27 and 0-31, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Z oning Map Ordinance No. Z-35-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-09-24

DECLARATORY RESOLUTION NO. R- 99-80

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.-12.1

WHEREAS, William J. Skimos duly filed his petition dated September 10, 1980, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lots 14, 15, 16 and 17 in Spencer's
Addition to the City of Fort Wayne,
Indiana;

located at and commonly known as:

1202 South Harrison Street
Fort Wayne, Indiana;
and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provision of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQUinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-99-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-13

SPECIAL ORDINANCE NO. S-151-80

AN ORDINANCE approving Change Order No. 1
in connection with LaRez Impact Area Phase
III project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Reith-Riley Construction Company in connection with Street Improvement Resolution No. 5880-80, LaRez Impact Area Phase III project, for:

concrete removal and curbface walk
8' wide on the south side of St.
Martins Street from Hanna Street to
Warsaw Street

in the amount of \$9,300.00, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-151-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-14

SPECIAL ORDINANCE NO. S-152-80

AN ORDINANCE approving Change Order No. 1
in connection with Northwest Central Phase IV
project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to T & F Construction Corporation in connection with Northwest Central Phase IV project, for:

Concrete removal of sidewalk and curb,
Type III curb 6" wingwalk with ramp,
restoration of landscape damaged by
project, adjusting casting, concrete
step,

in the amount of \$6,357.25, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-152-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-15

SPECIAL ORDINANCE NO. S-153-80

AN ORDINANCE approving a contract for curb and Sidewalk Improvement Resolution No. 5877-80, between the City of Fort Wayne, Indiana and Gateway Construction Company, for improvement to curbs and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated November 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gateway Construction Company, for:

construction of curbs, sidewalks, and drive approaches on Forest Park Boulevard from State Boulevard to Dodge Avenue,

under Board of Public Works Curb and Sidewalk Improvement Resolution NO. 587780, at a total cost of \$21,357.50 of which 50% will be paid by the property owners, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-153-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-16

SPECIAL ORDINANCE NO. S-154-80

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5890-80
between the City of Fort Wayne, Indiana and
Wayne Asphalt and Construction Co., Inc.
for resurfacing and restoring pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 8, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works, and Wayne Asphalt and Construction Co., Inc., for:

resurfacing and restoring pavement as designated on the following streets to be known as (1) Lower Huntington Road - from a point 35 + feet east of Premeier Drive to the east pavement line of Bluffton Road; (2) Kinsmoor Avenue to the east curblane of Beaver Avenue; (3) Kinnaird Avenue - from the west curblane of Fairfield Avenue to the east curblane of Indiana Avenue; (4) Home Avenue - from the west curblane of Fairfield Avenue to the east curblane of South Wayne Avenue,

under Board of Public Works Street Improvement Resolution No. 589080, at a total cost of \$85,875.50, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-154-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-18

SPECIAL ORDINANCE NO. S-155-80

AN ORDINANCE approving a contract for Street Light Maintenance Resolution No. 146-80, between the City of Fort Wayne, Indiana and T & F Construction Co. for the relamping of the Street Light System

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated November 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & F Construction Co. for:

labor and equipment for the relamping
of the Street Light System

under Board of Public Works Street Light Maintenance Contract Resolution No. 14680, at a total cost of \$175,000.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-155-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-19

SPECIAL ORDINANCE NO. S-156-80

AN ORDINANCE approving City Utilities Purchase Order No. 9865 with Industrial Fuel Oils, Inc. for fuel oil

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 9865 dated November 12, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Industrial Fuel Oils, Inc. for:

the purchase of No. 5 fuel oil
for the heating season from September 1,
1980 through August 31, 1981,

at a cost of \$75,020.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-9-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-156-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-20

SPECIAL ORDINANCE NO. S- 157-80

AN ORDINANCE approving Change Order No. 10
in connection with Water Works Improvement
Contract 77-W-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 10 to Hagerman/Shambaugh, joint bidders, in connection with Water Works Improvement Contract 77-W-2, for:

construction of a new filtered waterline,
material only for a steel support plate
to support masonry at the Chemical Building,
and repairs to the existing pump building
masonry.

in the amount of \$12,536.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-157-80 on the 9th day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-21

SPECIAL ORDINANCE NO. S-158-80

AN ORDINANCE approving an agreement for
Engineering Services between the City of
Fort Wayne, Indiana and Howard, Needles,
Tammen & Bergendoff

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain agreement dated November 5, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Howard, Needles, Tammen & Bergendoff, for:

Step 3 Engineering Services for additions
and improvements to the Wastewater Facilities
Phase A, Phase B, PHASE C of the Advanced
Wastewater Treatment Plant,

at a total cost of \$464,909.00 of which 75% to be paid for by the United States Environmental Protection Agency, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-158-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11- 22

SPECIAL ORDINANCE NO. S-159-80

AN ORDINANCE approving City Utilities
Purchase Order No. 2606 with Jim KELley
Leasing for vehicles for the Technical
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 2606, dated October 24, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Jim Kelley Leasing, for:

leasing of four (4) 4-wheel drive
vehicles for the Technical Services
Department, for 24 month lease,

at a cost of \$30,2400.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-159-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of

December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-23

SPECIAL ORDINANCE NO. S-160-80

AN ORDINANCE approving City Utilities
Purchase Order No. 9866 with Hefner Chevrolet
for two vehicles for Technical Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 9866, dated November 12, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Hefner Chevrolet, for:

Two (2) 3/4 ton, four wheel drive
vehicles for Technical Services
Department,

at a cost of \$22,618.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-160-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-17

SPECIAL ORDINANCE NO. S-161-80

AN ORDINANCE approving Change Order No. 1
in connection with East Central Neighborhood
Phase V project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to T & F Construction Company, in connection with the East Central Neighborhood Phase V project, for:

additional improvements of curbs,
sidewalks and drive approaches,

in the amount of \$9,204.15, as set out in the specifications, which are on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 12-9-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-161-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-20

RESOLUTION NO. R-113-80

A RESOLUTION Concerning Commemoration
of the Centennial the modern Waterworks
of the City of Fort Wayne, Indiana

On December 12, 1980, commemorative services will be held in the City Council Chambers in honor of the Fort Wayne Waterworks Centennial.

Slightly more than one hundred (100) years ago; on May 15, 1879, the Common Council

of the City of Fort Wayne authorized the waterworks trustees to hire a consulting engineer to prepare plans for a city waterworks system. This decision grew out of the grave necessity not only for safe drinking water but also for fire protection for a growing community of 30,000 people. After much effort, the first modern pipe line of waterworks serving this community was completed in the year 1880.

Limits of this written resolution are insufficient to go into all the details of the growth of this system which is one of the first municipal waterworks in the United States.

BE IT THEREFORE RESOLVED: that the Common Council of the City of Fort Wayne, Indiana does commend not only the founders of our fine public waterworks, but also all of those citizens of this community who over the years have possessed the vision to construct and maintain our splendid waterworks system.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-9-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-113-80 on the 9th day of December, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of December 1980, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-10-31 (AS AMENDED)

GENERAL ORDINANCE NO. G-VETOED

AN ORDINANCE REQUIRING PUBLIC UTILITIES
OWNED BY THE CITY OF FORT WAYNE, INDIANA,
TO SUBMIT ANNUAL SALARY ORDINANCE TO THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA

WHEREAS, the City of Fort Wayne, Indiana, owns and operates the Water Department, Sewer Department, and owns and does not operate City Light and Power Department and these utilities are sometimes referred to as Water and Power Department respectively, and,

WHEREAS, said departments are under the general supervision of the Board of Public Works of the City of Fort Wayne, Indiana, but the Common Council of the City of Fort Wayne, Indiana, has the power to determine by ordinance the requirement of such public utilities to submit annual salary ordinances to the Common Council for its approval; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana desires that said Public Utilities shall annually submit a salary ordinance to the Common Council for its approval.

NOW THEREFORE, Be It Ordained by the Common Council of the City of Fort Wayne, Indiana as follows:

SECTION 1.

It shall be the duty of the Mayor of the City and the City Controller to annually prepare a salary ordinance for all public utilities owned and operated by the City of Fort Wayne, Indiana, for the next succeeding calendar year for submittal to and approval by the Common Council of the City of Fort Wayne, Indiana:

SECTION 2.

Said salary ordinance shall be on a calendar year basis and shall be submitted to Common Council on or before December 1, 1980, for the first succeeding year and thereafter on or before September 1 of each year thereafter for each subsequent calendar year. The Common Council shall act promptly on said salary ordinance shall pass said salary ordinance on or before the last day of the month of the year in which it is submitted. In the event that the Common Council of the City of Fort Wayne, Indiana does not act on said salary ordinance so submitted on or before the last day of December 1980 or on the last day of November of each succeeding year then the proposed salary ordinance shall be deemed approved by the Common Council.

SECTION 3.

The Common Council of the City of Fort Wayne, Indiana, shall have the power to reduce said salaries but may not increase said salaries unless recommended by the Mayor of the City of Fort Wayne, Indiana.

SECTION 4.

Any person violating this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not in excess of \$500 and said person may be subject to removal from office.

SECTION 5.

This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication thereof.

SECTION 6.

This ordinance shall be deemed repealed two (2) years from the date of passage.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Three
Burns, Schomburg, Stier
Nays: Six
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Talarico

Date: 12-9-80

Charles W. Westerman
City Clerk

MAYOR'S VETO IS UPHOLD

BILL NO. S-80-12-01

SPECIAL ORDINANCE NO. S-162-80

AN ORDINANCE ratifying and approving
the 1981 Collective Bargaining Agreement
between the City of Fort Wayne, Indiana
and the Fort Wayne Professional Firefighters
Union, Local #124 IAFF

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated September 4, 1980, between the City of Fort Wayne, Indiana, by and through its Director of Personnel and Labor Relations and the Fort Wayne Professional Firefighters Union, Local #124 IAFF, all as more particularly set forth in said Agreement which is on file in the Office of the Director of Personnel and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
Nays: Two
Nuckols, Schomburg
Abstained: Two
Burns, D. Schmidt

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-162-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-02

SPECIAL ORDINANCE NO. S-163-80

AN ORDINANCE approving Civil City Purchase
Order No. 4-90227 with D. J. Industrial
Equipment for the Parking Administration

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-90227 dated November 12, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public

Works and D. J. Industrial Equipment, Inc. for the purchase of one (1) High Dump Rider Sweeper for the Parking Administration, at a cost of \$12,500.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Burns and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-23-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-163-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-03

SPECIAL ORDINANCE NO. S-164-80

AN ORDINANCE approving an Agreement
between the City of Fort Wayne and
Gibson/Tourney/Kim, Inc. for architectural
services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated November 24, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and Gibson/ Tourney/Kim, Inc. architects for:

Architectural design, planning and engineering for Civic Center Phase II Parking Garage to be located in Block III of the Fort Wayne Redevelopment Commission's Civic Center Renewal Project,

at a total cost of \$192,000.00, all as more particularly set forth in said Agreement which is on file in the Office of the Mayor and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five

Eisbart, GiaQuinta, Nuckols, V. Schmdit, Talarico

Nays: Four

Burns, D. Schmidt, Schomburg, Stier

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-164-80 on the 23rd day of December, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-19

SPECIAL ORDINANCE NO. S-165-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (Central-Walter-Sunbelt)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Central-Walter-Sunbelt Project regarding the financing of proposed economic development facilities for Central-Walter-Sunbelt and the Fort Wayne Planning Commission has commented favorable thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 9, 1980, and also adopted a Resolution on December 9, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Central-Walter-Sunbelt complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Central-Walter-Sunbelt for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Central-Walter-Sunbelt under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 1864.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Central-Walter-Sunbelt), in the total principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Central-Walter-Sunbelt under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not to exceed 70% percent of the prime commercial lending rate announced by Crocker National Bank, San Francisco, CA, and at a price not less than 100 percent of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signature of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Central-Walter-Sunbelt) and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-23-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-165-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-10

RESOLUTION NO. R-114-80

A RESOLUTION authorizing the transfer of funds from Account No. 302-345-010 "Cumulative Capital Fund" to Account No. 302-010-010-33.810 "Cumulative Capital Income Account General Fund" in the 1980 General Fund Revenue Budget

WHEREAS, It has become necessary to transfer funds to Account No. 30201001033.810 "Cumulative Capital Income Account General Fund" in the 1980 General Fund Revenue Budget, for which adequate funds exist in Account No. 302345010 "Cumulative Capital Fund", and which transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$127,520.00 to Account No. 30201001033.810 "Cumulative Capital Income Account General Fund" of the 1980 General Fund Revenue Budget.

SECTION 2. That the unappropriated and unexpended balance of Account No. 302345-010 "Cumulative Capital Fund" is hereby reduced in the amount of \$127,520.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-114-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-27

RESOLUTION NO. R-115-80

A RESOLUTION authorizing payment to an agency for repair of a vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Board of Park Commissioners #102 1976 Pontiac Astre License #10206	\$329.83	Davis Auto Co., Inc.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-23-80
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-15-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-28

RESOLUTION NO. R-116-80

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-014-4622 "Retirement" to Account No. 402-010-014-4135 "Educational Incentive" in the 1980 Budget of the Police Department

WHEREAS, It has become necessary to transfer funds to Account No. 402-010-014-4135 "Educational Incentive" in the 1980 Budget of the Police Department, for which adequate funds exist in Account No. 402-010-014-4622 "Retirement", and which transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$18,900.00 to Account No. 402-010-014-4135 "Educational Incentive" of the 1980 Budget of the Police Department.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-014-4622 "Retirement" is hereby reduced in the amount of \$18,900.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-116-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-29

RESOLUTION NO. R-117-80

A RESOLUTION authorizing the transfer of funds from Account Nos. 402-134-002-4001 "Public Lighting" and 402-134-002-4003 "Storm Sewer" to Account No. 402-134-002-4005 "Gargage Collection" in the 1980 Budget of the Board of Works

WHEREAS, it has become necessary to transfer funds to Account No. 402-134-002-4005 "Garbage Collection" in the 1980 Budget of the Board of Works, for which adequate funds exist in Account Nos. 4021340024001 "Public Lighting" and 402-134-002-4003 "Storm Sewer", and which transfer has been recommended by the City Controller.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$155,000.00 to Account No. 402-134-002-4005 "Garbage Collection" of the 1980 Budget of the Board of Works.

SECTION 2. That the unappropriated and unexpended balance of Account Nos. 402134-002-4001 "Public Lighting" and 402-134-002-4003 "Storm Sewers" is hereby reduced in the amounts

of \$5,000.00 and \$150,000.00 respectively.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-117-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-30

RESOLUTION NO. R-118-80

A RESOLUTION authorizing the transfer of funds from Account No. 402-134-480-4005 "Dike Repair" to Account No. 402-134-480-4006 "Environmental Clean-Up" in the 1980 Revenue Sharing Budget of the Board of

Works

WHEREAS, It has become necessary to transfer funds to Account No. 402-134-480-4006 "Environmental Clean-Up" in the 1980 Revenue Sharing Budget of the Board of Works, for which adequate funds exist in Account No. 402-134-480-4005 "Dike Repair", and which transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$9,150.00 to Account No. 402-134-480-4006 "Environmental Clean-Up" of the 1980 Revenue Sharing Budget of the Board of Works.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-134-4804005 "Dike Repair" is hereby reduced in the amount of \$9,150.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-11-880 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-07-30 (AS AMENDED)

GENERAL ORDINANCE NO. G-26-80

AN ORDINANCE amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan by
vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereof; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-512; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G97 adopted November 26, 1973, as amended, is amended by vacating:

An alley running south from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Lane Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision

Also, that portion of the alley commencing at the Southwest corner of Lot 8 in Burrow's Subdivision: thence East a distance of 24.5 feet, thence South a distance of 25 feet to the Northwest corner of Lot 1 in F. B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

SECTION 2. After passage, approval by the Mayor and legal publication of this Ordinance, The City Clerk shall prepare and transmit a certified copy of it to the Board of Public Works.

SECTION 3. That by reason of the foregoing, said petitioner(s) for such vacation may now proceed before the Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth, for an administrative order and an assessment or benefits and damages to affect property owners, or before the Allen Circuit or Superior Courts under I.C. 18-2-16-44, for a judicial decree and an assessment or benefits and damages to affected property owners.

SECTION 4. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-26-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-10-52

GENERAL ORDINANCE NO. G-27-80

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann. 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G-97 adopted November 26, 1963, as amended, is amended by vacating:

A portion of the East-West alley South of Creighton Avenue lying between Hanna Street and Weisser Park Avenue, more particularly described as follows:

Starting at the east right-of-way line of Hanna Street and the northwest corner of Lot #14 of Hayden's Subdivision; thence east along the north line of Lot #14 a distance of 150 feet to the northeast corner of Lot #14; thence continuing in the

same direction a distance of 15 feet to the northwest corner of Lot #9 of Hayden's Subdivision then north by the deflection to the left and parallel to the west right-of-way line of Hanna Street to the south line of Lot #15 of Hayden's Subdivision, thence west along the south line of Lot # 15 a distance of 165 feet to the east right-of-way line of Hanna Street, also being the southwest corner of Lot #15; thence south along the right-of-way line of Hanna Street to the northeast corner of Lot #14 also being the point of beginning.

SECTION 2. After passage, approval by the Mayor and legal publication of this Ordinance, the City Clerk shall prepare and transmit a certified copy of it to the Board of Public Works.

SECTION 3. That by reason of the foregoing, said petitioner(s) for such vacation may now proceed before the Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth, for an administrative order and an assessment of benefits and damages to affected property owners or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree and an assessment of benefits and damages to affected property owners.

SECTION 4. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-27-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-15

SPECIAL ORDINANCE NO. S-166-80

AN ORDINANCE approving Change Order
No. 11, in connection with the
Contract #77-W-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 111 to Hagerman-Shambaugh Joint Bidders and Contractors, in connection with Contract #77-W2 for water works improvements, for:

installation of weather proof louver with proper exhaust and screen, piping equipment, solenoid valves, reconstruction of unions on new raw water chlorinators, new connectors to sludge pump, new manhole on storm sewer North of filter building, repair of roof on East face of tower and necessary electrical work for the installation of above items,

in the amount of \$29,047.00, as set out in the specifications, which are on file in the Office of the

Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-166-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-16

SPECIAL ORDINANCE NO. S-167-80

AN ORDINANCE approving City Utilities
Purchase Order No. 9907 with General
Truck Sales Corp. for a vehicle for
the Water Pollution Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 9907 dated December 1, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and General Truck Sales Corp. for:

One ten cubic yard dump truck

at a cost of \$32,467.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-167-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-17

SPECIAL ORDINANCE NO. S-168-80

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order Nos. B-9801 to B-9811 and 9897B for materials for use by the Three Rivers Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the blanket purchase order City Utilities Purchase Order Nos. B9802 to B9811 and 9897B dated November 24, 1980 between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the following various agencies:

<u>P.O. NO.</u>	<u>AGENCY</u>	<u>MATERIAL</u>
9802B	Marblehead Lime Company	Pebble Lime
9803B	Mississippi Lime Company	Pebble Lime
9804B	Allies Chemical Corporation	Soda Ash
9805B	Husky Industries, Inc.	Powered Activated Carbon
9806B	Cities Service Company	Ferric Sulfate
9807B	Herbert-Verkamp-Calvert	
9808B	Ulrich Chemical Company	Anhydrous Ammonia
9809B	Ulrich Chemical Company	Sodium Silicofluoride
9810B	Herbert-Verkamp-Calvert	Potassium Permanganate
9811B	Jones Chemicals	Liquid Chlorine
9897B	Liquid Carbonic Corporation	Liquid Carbon Dioxide

all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talrico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-168-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-12-54

RESOLUTION NO. R-119-80

A RESOLUTION recommending allowance
of Christmas Nativity Display in
Public Parks of the City of
Fort Wayne, Indiana

WHEREAS, Christmas is an observance of an historic event; and

WHEREAS, the observance of Christmas by display in the public park system of the City of Fort Wayne would neither promote nor disparage religion; and

WHEREAS, Christmas is already observed as a cultural event in the schools of the United States.

NOW THEREFORE, Be It Resolved that the Common Council recommends to the Park Board of the City of Fort Wayne, Indiana that the Nativity Scene which depicts the historical event of Christmas be allowed to be displayed in the same location in Franke Park as it was placed previously to the year 1980 and in other public parks in the City of Fort Wayne and that the Park Board take whatever steps are necessary in order to implement this recommendation.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Eisbart, GiaQuinta

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-119-80 on the 23rd day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-12-18 (AS AMENDED)

GENERAL ORDINANCE NO. G-28-80

AN ORDINANCE REQUIRING PUBLIC UTILITIES
OWNED BY THE CITY OF FORT WAYNE, INDIANA,
TO SUBMIT ANNUAL SALARY ORDINANCE FOR NON-
UNION EMPLOYEES TO THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA

WHEREAS, the City of Fort Wayne, Indiana, owns and operates the Water Department, Sewer Department, and owns and does not operate City Light and Power Department and these utilities are sometimes referred to as Water and Power Department respectively; and,

WHEREAS, said departments are under the general supervision of the Board of Public Works of the City of Fort Wayne, Indiana, but the Common Council of the City of Fort Wayne, Indiana, has the power to determine by ordinance the requirement of such public utilities to submit annual salary ordinances to the Common Council for its approval; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana desires that said Public Utilities shall annually submit a salary ordinance for all non-union employees of said public utilities to the Common Council for its approval.

NOW THEREFORE, Be It Ordained by the Common Council of the City of Fort Wayne, Indiana as follows:

SECTION 1.

It shall be the duty of the Mayor of the City and the City Controller to annually prepare a salary ordinance for all non-union employees for all public utilities owned and operated by the City of Fort Wayne, Indiana, for the next succeeding calendar year for submittal to and approval by the Common Council of the City of Fort Wayne, Indiana:

SECTION 2.

Said salary ordinance shall be on a calendar year basis and shall be submitted to Common Council on or before July 1 of each year. The Common Council shall act promptly on said salary ordinance. In the event that the Common Council of the City of Fort Wayne, Indiana, does not act on said salary ordinance so submitted on or before the first day of August of each year then the existing salaries shall be deemed continued by the Common Council.

SECTION 3.

The Common Council of the City of Fort Wayne, Indiana, shall have the power to reduce said salaries but may not increase said salaries unless recommended by the Mayor of the City of Fort Wayne, Indiana.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication thereof.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-23-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-28-80 on the 23rd day of December, 1980

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of December, 1980, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-26

SPECIAL ORDINANCE NO. S-169-80

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 Taulbee-Burke Joint Venture Project, and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the TaulbeeBurke Joint Venture Project regarding the financing of proposed economic development facilities for TaulbeeBurke Joint Venture and the City Planning Commission has commented favorably thereto: and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 11, 1980, and also adopted a Resolution on December 11, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Taulbee-Burke Joint Venture complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note and Mortgage and Indenture of Trust, Lease Agreement, Collateral Assignment of Lease, Lessee's Consent and Agreement to Lease Assignment, Guaranties of advanced Machine and Tool Corporation, Frederick C. Burke, Alice M. Burke, Price Taulbee, Jr. and Shirley M. Taulbee; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Taulbee-Burke Joint Venture for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the Note payments of Taulbee-Burke Joint Venture under the Loan Agreement and Note, the lease of said facilities by Taulbee-Burke Joint Venture and Advanced Machine and Tool Corporation, and the securing of said bonds by the

mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Trust, Lease Agreement, Collateral Assignment of Lease, Lessee's consent and Agreement to Lease Assignment, Guaranties of Advanced Machine and Tool Corporation, Frederick C. Burke, Alice M. Burke, Price Taulbee, Jr. and Shirley M. Taulbee, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 Taulbee-Burke Joint Venture Project, in the total principal amount of Eight Hundred Thousand Dollars (\$800,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any and interest from the note payments made by Taulbee-Burke Joint Venture under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not to exceed sixty-five (65) percent of the prime commercial lending rate from time to time announced by Lincoln National Bank and Trust Company of Fort Wayne, and at a price not less than one hundred (100) percent of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 Taulbee-Burke Joint Venture Project, and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 12-30-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ORdinance No. S-169-80 on the 30th day of December, 1980

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 31st day of December, 1980, at the hour of 8:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 31st day of December, 1980, at the hour of 8:35 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-21

SPECIAL ORDINANCE NO. S-01-81

AN ORDINANCE approving Civil City
Purchase Order No. 4-09228 with
Glenbrook Dodge, Inc. for one (1)
3/4 Ton Van Truck for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09228, dated November 12, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Fire Department and Glenbrook Dodge, Inc., for the purchase of one (1) 3/4 Ton Van Truck, at a cost of \$6,851.16, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-01-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-22

SPECIAL ORDINANCE NO. S-02-81

AN ORDINANCE ratifying a contract between
the Board of Public Safety and James P. Arnold
to provide Research Analysis services
to Fort Wayne Police Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated November 28, 1980 between the City of Fort Wayne, by and through its Mayor and Board of Public Safety and James P. Arnold for the furnishing of research services by James P. Arnold to the Fort Wayne Police department for a fee of \$29,070.00

to be paid exclusively from a grant from the Indiana Criminal Justice Planning Agency, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, be and the same is hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-02-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-23

SPECIAL ORDINANCE NO. S-03-81

AN ORDINANCE approving a contract between
the City of Fort Wayne and Gladieux Refinery,
Inc. for fire protection to premises outside
the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the contract, dated June 22, 1980, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and Gladieux Refinery, Inc. and the furnishing of fire protection by the Fort Wayne Fire Department to premises of Gladieux Refinery, Inc. outside the city limits, described as follows, to-wit:

All buildings and improvement of GLADIEUX
REFINERY INC. located in an area:

67-0008-0007 4.195 Acres of West 385 feet
East of Fort Wayne Union RR between Wabash
RR and U. S. 24 and 30 Northeast 1/4 of Section
8

67-9990-4012 South 86, 100 square feet North-
east 1/4 Section 8 North of New Haven Avenue,
South of Norfolk and Western RR lease ground
Fort Union RR.

67-0008-0012-I South 13.78 Chains of East
4.52 Chains West 14.52 Chains of fractional
Northeast 1/4 Section 8. 60 acres.

67-0008-0075 East 410.2 of West 1454.4 feet
Northeast 1/4 between RR and 24 and 30. Section
8.

67-0008-0005 East 5 acres of mid part fractional
Northeast 1/4 South of canal and North of RR and
except Southeast 2.94 and vacated road adjacent
North of the North Section 8.

67-0008-0041 North 6.85 Acres of West 14.04
feet Northeast 1/4 South of road except Fort
Wayne Union RR of Section 8

67-0008-0017 1.32 Acres of Trl West 385 feet
East of Union RR between Maumee Rd. and U.S. 24
and 30 North East 1/4 of Section 8.

at a cost to Gladioux Refinery, Inc. of \$10,000.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQUinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQUinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-03-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-24

SPECIAL ORDINANCE NO. S-04-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09259 with
Data Scope Corporation for three (3)
Monitor Defibrillators for the
Emergency Medical Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09259 dated November 18, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and Data Scope Corporation for the purchase of three (3) Monitor Defibrillators, at a cost of \$16,545.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-04-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-25

SPECIAL ORDINANCE NO. S-05-81

AN ORDINANCE approving Civil City
Purchase Order No. 4-09345E with
Glenbrook Dodge for fifteen (15)
vehicles for the Police Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09345E dated December 1, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of

Public Safety for the purchase of fifteen (15) police sedans, at a cost of \$101,636.40, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-05-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-11-24

SPECIAL ORDINANCE NO. S-06-81

AN ORDINANCE aproving an Agreement to
Lease between the City of Fort Wayne, and
Air Wisconsin, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated November 18, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Aviation Commissioners and Air Wisconsin, Inc., for:

lease of hanger, shop and service
office facilities to maintain aircraft

cost to be off-set by lease rental, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Aviation Commissioners and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-06-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-32

RESOLUTION NO. R-01-81

A RESOLUTION determining that a need exists
for a hanger/service building to be built
at Baer Field

WHEREAS, I.C. 18-53.3-1 through 11 (the 1974 Leasing Property Act) authorizes a City to lease a building for the use of the City but only when there is first filed with the City Council a Petition signed by 50 or more tax paying citizens of the City and a determination by City Council, after investigation, that a need exists for such building; and

WHEREAS, a not-for-profit corporation has been created to acquire from the City a tract of land at Baer Field, on which it proposes to construct a hanger/service building and lease the same to the City so that the City may, in turn, sub-lease the same to Air Wisconsin to facilitate the providing of air service to the City of Fort Wayne, Indiana by said air line; and

WHEREAS, a petition has been duly filed with the Clerk of this Council urging this Council to make a determination that a need exists for the proposed hanger/service building, and

WHEREAS, the City Clerk has examined said Petition and certified to this Council that it is duly signed by fifty (50) or more tax paying citizens of the City of Fort Wayne, Indiana, as required by state law; and

WHEREAS, this Council has thoroughly and fully investigated this matter of the proposed hanger/service building, to its satisfaction.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That it is hereby determined that a need exists for the City of Fort Wayne, Indiana to acquire by lease a certain ahnger/service building, to be constructed at Baer Field (Fort Wayne Municipal Airport) by a not-for-profit corporation created for such purpose, on a tract of land in such airport to be sold by the City to such notforprofit corporation for such purpose; said hanger/service building and site to be then sub-leased by the City to Air Wisconsin to facilitate its provision of air service to the City of Fort Wayne, Indiana by said air line.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmdt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-01-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-09-11

ZONING MAP ORDINANCE NO. Z-01-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the araa described as follows is hereby designated a B-4 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. 06, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Commencing at the Southeast corner of Lot No. Three (3) in Kingsley's Sub-division of Lillie's Out Lot No. One (1) situated in the Southeast quarter of the Southeast quarter of Section 1, Township 30 North, Range 12 East according to the recorded plat thereof, recorded in Plat Book 2, at page 79 in the Recorder's Office of Allen County, Indiana; thence 69.2 feet to the Northeast corner of said lot; thence in a northwesterly direction along Maumee Avenue 33.7 feet; thence South on a line parallel with the West line of said Lot No. 3 in Kingsley's Subdivision of Lillie's Out Lot 1, 81.7 feet to a point on the South line of said lot; thence East 31 feet to the place of beginning (Anthony & Maumee).

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-01-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-33

SPECIAL ORDINANCE NO. S-07-81

AN ORDINANCE approving Change Order
No. 2 in connection with Curb and
Sidewalk Improvement Resolution No.
5882-80, Oxford, Phase V-A

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 to L.W. Dailey Construction Co., Inc. for:

construction of curbs and sidewalks on Lillie, between Colerick and Pontiac;
Leith and Boltz Streets, between Lafayette and Hanna Streets; and Winter Street,
between Colerick and Pontiac,

in the amount of \$2,780.50, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-07-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-34

SPECIAL ORDINANCE NO. S-08-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 328-80
between the City of Fort Wayne, Indiana,
and Ground Services, Inc., Contractor
for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Ground Services, Inc., Contractor for:

construction of an eight, ten and twenty-seven inch sanitary sewer from the intersection of West State Boulevard and Westgate Drive to the intersection of Neuhaus Drive and Betty Avenue and areas adjacent thereto,

under Board of Public Works Sewer Improvement Resolution No. 328-80, at a total cost of \$387,910.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-08-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-35

SPECIAL ORDINANCE NO. S-09-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 329-80
and Scheidleman Excavating, Inc., Con-
tractor for installation of sanitary
sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Scheidleman Excavating, Inc., Contractor for:

construction of an eight and ten inch sanitary sewer in the Leesburg Road area
which will connect to sewer resolution 328-80 Phase I,

under Board of Public Works Sewer Improvement Resolution No. 329-80, at a total cost of \$330,295.45, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-09-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-36

SPECIAL ORDINANCE NO. S-10-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 327-80
between the City of Fort Wayne, Indiana,
and Northeastern Construction Company, Inc.
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Northeastern Construction Company, Inc. Contractor for:

construction of an eight, twelve and fifteen inch sanitary sewer from the intersection of Butler Road and Butler Court to the intersection of West State Boulevard and Westgate Drive and areas adjacent thereto,

under Board of Public Works Sewer Improvement Resolution No. 327-80, at a total cost of \$493,596.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-10-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-37

SPECIAL ORDINANCE NO. S-11-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 326-80
between the City of Fort Wayne, Indiana,
and Bercot, Inc., Contractor for installation
of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., Contractor for:

rehabilitation of existing sanitary sewers in the area bounded on the North by Cook Road, West Hillegas Road, South Lowther-Neuhaus Ditch and East Coldwater Road,

under Board of Public Works Sewer Improvement Resolution No. 326-80, at a total cost of \$294,980.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-11-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-38

SPECIAL ORDINANCE NO. S-12-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 325-80
between the City of Fort Wayne, Indiana,
and Butler & Butler Construction, Inc.,
Contractor for installation of sanitary
sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Butler & Butler Construction, Inc., Contractor for:

construction of an eight and twelve
inch sanitary sewer through Golfview
Addition area,

under Board of Public Works Sewer Improvement Resolution No. 325-80, at a total cost of \$196,160.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of

Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-12-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-39

SPECIAL ORDINANCE NO. S-13-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 324-80
between the City of Fort Wayne, Indiana,
and Bercot, Inc., Contractor for installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., Contractor, for:

construction of an eight, twelve and fifteen inch sewer throughout Highview Addition to the Edgewood Industrial Park,

under Board of Public Works Sewer Improvement Resolution No. 32480, at a total cost of \$464,888.60, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 1-13-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-13-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk

James S. Stier
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-80-12-40

SPECIAL ORDINANCE NO. S-14-81

AN ORDINANCE approving a contract for
 Sewer Improvement Resolution No. 323-80
 between the City of Fort Wayne, Indiana
 and Waynesfield Construction, Inc., Contractor
 for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Waynesfield Construction, Inc., Contractor for:

construction of a 48 inch sanitary interceptor from the intersection of Northside Drive and Glazier Avenue to the intersection of Sherman Boulevard and Franke Park Drive,

under Board of Public Works Sewer Improvement Resolution No. 323-80, at a total cost of \$1,099,410.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 1-13-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-14-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
 City Clerk

James S. Stier
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-80-12-41

SPECIAL ORDINANCE NO. S-15-81

AN ORDINANCE approving a contract for
 Sewer Improvement Resolution No. 321-80
 between the City of Fort Wayne, Indiana
 and T & G Excavating, Inc., Contractor for
 installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & G Excavating, Inc., Contractor for:

the rehabilitation of sewers SSES
 subsystem bs, cs, ns, os. Includes
 any adjusted connection charge pre-
 viously established, for those directly
 benefitted property owners,

under Board of Public Works Sewer Improvement Resolution No. 321-80, at a total cost of \$169,846.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-15-81 on the 13th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-42

SPECIAL ORDINANCE NO. S-16-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 320-80
between the City of Fort Wayne, Indiana
and Scheidman Excavating, Inc. Contractor
for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Scheidman Excavating, Inc. Contractor for:

construction of a main sewer, which from its size and character is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or may be constructed. Said sewer shall be twelve inches in diameter,

under Board of Public Works Sewer Improvement Resolution No. 32080, at a total cost of \$57,690.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-43

SPECIAL ORDINANCE NO. S-17-81

AN ORDINANCE approving a contract
for Sewer Improvement Resolution No.
317-80 between the City of Fort Wayne,
Indiana and John Hartman Construction Company,
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and John Hartman Construction Company, Contractor for:

construction of a main sewer for Auer and McAdams Highland Grove which from its size and character is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or which hereafter may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 31780, at a total cost of \$151,737.40, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-44

SPECIAL ORDINANCE NO. S-18-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 316-80
between the City of Fort Wayne, Indiana
and Earth Construction and Equipping, Inc.
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction and Equipping, Inc., Contractor for:

construction of a main sewer, which from its size and character is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or which hereafter may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 31680, at a total cost of \$376,681.35, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-18-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-45

SPECIAL ORDINANCE NO. S-19-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 315-80
between the City of Fort Wayne, Indiana
and Earth Construction and Equipping, Inc.
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction and Equipping, Inc. Contractor for:

the construction of a main sewer in Aldale Acres and Dau's Suburban Addition which by its size and charater is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or which hereafter may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 315-80, at a total cost of \$316,059.50, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckol s

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-19-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-46

SPECIAL ORDINANCE NO. S-20-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 314-80
Phase II, between the City of Fort Wayne,
Indiana and Bercot, Inc., Contractor for
installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., Contractor, for:

construction of a main sewer eight inches, ten inches and fifteen inches in diameter. From its size and character it is not only intended and adapted for use by property owners, whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 314-80 Phase II, at a total cost of \$706,091.50, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-47

SPECIAL ORDINANCE NO. S-21-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 314-80
Phase 1, between the City of Fort Wayne,
Indiana and Earth Construction and Equipping
Inc., Contractor for installation of sanitary
sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Earth Construction and Equipping, Inc. Contractor for:

construction of a sewer eight inches, ten inches and fifteen inches in diameter.
For the construction of a main sewer which from its size and character is not
only intended and adapted for use by property owners, whose property abuts
along the line of said sewer, but is also intended and adapted for receiving sewage
from collateral drains already constructed or may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 314-80 Phase 1, at a total cost of \$806,316.05, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-21-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-48

SPECIAL ORDINANCE NO. S-22-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 313-80
between the City of Fort Wayne, Indiana
and Earth Construction and Equipping, Inc.
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction and Equipping, Inc. Contractor for:

construction of a main sewer, which from its size and character is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving sewage from collateral drains already constructed or which hereafter may be constructed. Said sewer shall be eight inches, ten inches and twelve inches in diameter, (St. Joe Area)

under Board of Public Works Sewer Improvement Resolution No. 31380, at a total cost of \$526,350.80, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-22-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-49

SPECIAL ORDINANCE NO. S-23-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 312-80
between the City of Fort Wayne, Indiana
and Weitzel Construction Company, Inc.
Contractor for installation of sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Weitzel Construction Company, Inc. Contractor for:

construction of a local sanitary sewer eight inches, ten inches and twelve inches in diameter for receiving sewage from collateral drains already constructed or which hereafter may be constructed,

under Board of Public Works Sewer Improvement Resolution No. 31280, at a total cost of \$914,484.00 all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-23-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-50

SPECIAL ORDINANCE NO. S-24-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 311-80
between the City of Fort Wayne, Indiana
and L.W. Dailey Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and L.W. Dailey Inc., Contractor, for:

construction of a local sanitary sewer, eight inch and ten inch in diameter for receiving sewage from the North half of Section 29, Township 31 North, Range 13 East,

under Board of Public Works Sewer Improvement Resolution No. 31180, at a total cost of \$552,568.20, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-24-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-51

SPECIAL ORDINANCE NO. S-25-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 310-80
Phase IV, between the City of Fort Wayne,
Indiana and Rocco Ferrera Inc., Contractor
for installation of Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rocco Ferrera Inc., Contractor, for:

construction of an 84 inch sanitary sewer from Northside Drive and Glazier Avenue to the intersection of California Road and Harry W. Baals Drive,

under Board of Public Works Sewer Improvement Resolution No. 310-80 Phase IV, at a total cost of \$2,485,490.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-25-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-52

SPECIAL ORDINANCE NO. S-26-81

AN ORDINANCE approving a contract for Sewer Improvement Resolution No. 310-80 Phase III, between the City of Fort Wayne, Indiana and Joe R. Norman, Contractor, Inc. for installation of a Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Joe R. Norman, Contractor, Inc. for:

construction of an 84 inch sanitary sewer from Northside Drive and Pleasant Avenue to the intersection of Northside Drive and Glazier Avenue,

under Board of Public Works Sewer Improvement Resolution No. 310-80 Phase III, at a total cost of \$2,055,834.60, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-26-81 on the 13th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-12-53

SPECIAL ORDINANCE NO. S-27-81

AN ORDINANCE approving contract for Sewer Improvement Resolution No. 310-80 Phase II, between the City of Fort Wayne, Indiana and Bush, Inc., Contractor for installation of Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated December 16, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Busch, Inc., Contractor, for:

construction of an 84 inch sanitary sewer from St. Joseph Boulevard and Tennessee Avenue to the intersection of Northside Drive and Pleasant Avenue,

under Board of Public Works Sewer Improvement Resolution No. 310-80, Phase II, at a total cost of \$1,256,596.25, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-27-81 on the 13th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-01

SPECIAL ORDINANCE NO. S-28-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bond ("Johnson Family Partnership") and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Johnson Family Partnership Project regarding the financing of proposed economic development facilities for Johnson Family Partnership and the Fort Wayne Planning Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing

on January 13, 1981, and also adopted a Resolution on January 13, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Johnson Family Partnership complies with the purposes and provisions of I.C. 1864.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Promissory Note and Mortgage and Bond:

NOW, THEREFORE,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Commitment approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Johnson Family Partnership for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bond by the promissory note payments of Johnson Family Partnership under the Loan Commitment and Promissory Note, and the securing of said bond by the mortgaging of such facilities to Anthony Wayne Bank under the Mortgage and Security Agreement complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Promissory Note and Mortgage and Security Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bond, Johnson Family Partnership, in the total principal amount of Three Hundred Thousand Dollars (\$300,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Financing Agreement incorporated herein by reference which bond will be payable as to principal, premium, if any, and interest from the Promissory Note payments made by Johnson Family Partnership under the Financing Agreement and Note or as otherwise provided in the abovescribed Mortgage and documents. The bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bond to the purchasers thereof at a rate of interest per annum on the bonds not to exceed nine percent (9%).

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bond authorized herein. The signatures of the Mayor and Clerk on the bond may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bond to Anthony Wayne Bank, payment for which will be made to the Anthony Wayne Bank or to the assignee thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Financing Agreements securing the bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bond, Johnson Family Partnership, and after the issuance of said bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-28-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-02

SPECIAL ORDINANCE NO. S-29-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09423 with Glenbrook Dodge,
Inc. for one vehicle for the Street Engineering
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09423 dated December 15, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Glenbrook Dodge, Inc., for the purchase of one (1) four-door 1981 sedan to be used by the Street Engineering Department, at a cost of \$7,082.91, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GaiQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-29-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-03

SPECIAL ORDINANCE NO. S-30-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09429 with DeHaven Chevrolet,
Inc. for two vehicles for the Park Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09429 dated December 17, 1980, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and DeHaven Chevrolet, Inc., for the purchase of two (2) crew cab one ton trucks with dump body to be used by the Park Department, at a cost of \$17,784.80, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-30-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-04

SPECIAL ORDINANCE NO. S-31-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09430 with Allen County
Tractor Sales, Inc. for one vehicle to be
used by the Park Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09430 dated December 17, 1980 between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Allen County Tractor Sales, Inc., for the purchase of one (1) 1981 Utility Tractor to be used by the Park Department, at a cost of \$9,079.23, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein

and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-31-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-05

RESOLUTION NO. R-02-81

A RESOLUTION approving Fort Wayne
Redevelopment Commission's Resolution No.
80-96, "Declaratory Resolution - Amendment to
Civic Center Renewal Project"

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Resolution No. 80-96, Declaratory Resolution - Amendment to Civic Center Renewal Project, adopted by the Fort Wayne Redevelopment Commission on December 19, 1980 and approved by the City Plan Commission on December 22, 1980, all as more particularly set forth in said Resolution No. 80-96 on file in the Office of the Fort Wayne Redevelopment Commission and is by reference incorporated herein made a part hereof, and is hereby in all things ratified, confirmed and approved.

Section II. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Talarico

Nays: Three

Burns, Schomburg, Stier

Abstained: One

D. Schmidt

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-02-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-06

RESOLUTION NO. R-03-81

A RESOLUTION approving Fort Wayne
Redevelopment Commission's Resolution No. 80-95
Amendment to Declaratory Resolution No. 78-13
West Main Street Renewal Project Amended

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section I. That Resolution No. 80-95, Amendment to Declaratory Resolution No. 78-13, West Main Street Renewal Project Amended, adopted by the Fort Wayne Redevelopment Commission on December 15, 1980 and approved by the City Plan Commission on December 22, 1980, all as more particularly set forth in said Resolution No. 80-95 on file in the Office of the Fort Wayne Redevelopment Commission and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

Section II. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Burns

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-03-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-07

RESOLUTION NO. R-04-81

A RESOLUTION approving Fort Wayne
Redevelopment Commission's Resolution No.
80-94 Amendment to Declaratory Resolution
No. 77-38 Civic Center Renewal Project

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section I. That Resolution No. 80-94, Amendment to Declaratory Resolution No. 77-38 - Civic Center Renewal Project, adopted by the Fort Wayne Redevelopment Commission on December 15, 1980 and approved by the City Plan Commission on December 22, 1980, all as more particularly set forth in said Resolution No. 80-94 on file in the Office of the Fort Wayne Redevelopment Commission and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

Section II. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

21.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Talarico
Nays: Three
Burns, Schomburg, Stier

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-29

RESOLUTION NO. R-05-81

A RESOLUTION welcoming home and honoring the
fifty-two Americans imprisoned for 444 days
in Iran

Thursday, January 29, 1981, is a day of National Thanksgiving for the safe return of the fifty-two Americans imprisoned for 444 days in Iran. The Common Council of the City of Fort Wayne, Indiana, joins in welcoming with great joy great joy the homecoming of our fellow Americans.

We give thanks to God for delivering them to their families and to their homeland as we join all Americans in praying that never again will American citizens be held hostage, fearing for their lives and suffering the terrors of captivity.

Further, we pray for peace in the world, that the people of the world's nations may live in harmony. May we learn to settle our differences through negotiation and debate, and not through violence and war.

We pray for the souls of those men who died last April in the effort to rescue the hostages, and we pray for the families who survive them. We are grateful for the untiring work of the former President, Mr. Carter, and that of the diplomats here and abroad to effect liberation of the hostages. We are grateful for the unceasing hope of the hostage families, and for the prayers of people across the nation. The prayers, the hours, and the hope cannot restore to us those who gave their lives to save their fellow Americans, but they have been effective in restoring to us the fifty-two hostages.

On this very special day, January, 27, 1981, we are truly one nation, united in joy. We are one people sharing the pure, simple and emotional happiness of homecoming. We are brothers and sisters in one huge family of Americans. Because of the captive and now released Americans we have been made sharply aware of how very blessed we are to be free people, and how deeply we care about our country. Through the fiftytwo former hostages we have all experienced, in one glorious week, a reaffirmation of spirit, and a restatement of love for the pride in our citizens and our nation.

There is no more basic love than that for family, for home and for country. By reawakening that basic emotion, the release of the fiftytwo brave Americans has had the effect of liberating us all.

We are proud to welcome our compatriots home, and wish for each of them a return to normal and private lives filled with the blessings of God.

NOW THEREFORE BE IT RESOLVED that this resolution be spread upon the records of the Common Council of the City of Fort Wayne, Indiana and that a copy of this resolution be sent to each of the fifty-two former hostages.

Vivian G. Schmidt

Samuel J. Talarico

Paul M. Burns

D. J. Schmidt

Mark E. GiaQuinta

James S. Stier

Ben A. Eisbart

John Nuckols

Roy J. Schomburg

Win Moses, Jr.

Charles W. Westerman
City Clerk

Mayor

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbarg, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-05-81 on the 27th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-49 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. 027, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots #11 in Gardendale Addition to the City
of Fort Wayne, Indiana

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 1-27-81

Charles W. Westerman
City Clerk

BILL NO. Z-80-11-07 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. P-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an "R3" District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. P-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lot Number 31 and Lot Number 32 in
Pontiac Place Addition to the City
of Fort Wayne, Allen County, Indiana

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Two
Burns, D. Schmidt

Nays: Seven
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Date: 1-27-81
Charles W. Westerman
City Clerk

BILL NO. Z-80-11-08

ZONING MAP ORDINANCE NO. Z-02-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map Nos. N-27, 31
and 0-27, 31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-D District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map Nos. N-27, 31 and 0-27, 31, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

A part of the Northeast Quarter of the Northwest
Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana,
described as follows:

Beginning at the Northeast Corner of said Quarter-Quarter Section; thence South 00 Degrees 00 Minutes 11 Seconds West (Assumed Bearing) 1315.43 feet along the East line of said Quarter-Quarter Section to the Southeast Corner of said Quarter-Quarter Section; thence North 89 Degrees 39 Minutes 16 Seconds West 500.00 feet along the South line of said Quarter-Quarter Section; Thence North 00 Degrees 00 Minutes 11 Seconds East 1315.76 feet parallel to the East line of said Quarter-Quarter Section; thence South 89 Degrees 37 Minutes 00 Seconds East 500.00 Feet along the North line of said Quarter-Quarter Section to the point of beginning, containing 15.101 acres, more or less.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 1-27-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-02-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-11-11

GENERAL ORDINANCE NO. G-01-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1979 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein, copy of which is attached and made a part hereof, for vacating:

A North-South alley bordered by White's 2nd Addition on the West and Vordermark's Addition on the East.

Begin at the Southwest corner of Lot 146, Vordermark's Addition, on the North right-of-way line of Pennsylvania Street; proceed Northerly on the East right-of-way line of said alley and the West boundary of Lot 146 a distance of 115.0 feet to the true point of beginning;

Thence Northerly along West boundary of Lot 146 a distance of 47.0 feet, to a point;

Thence Westerly 14 feet to the West right-of-way line of said alley;

Thence Southerly 47.0 feet to a point;

Thence Easterly 14.00 feet to the true point of beginning.

and which would amend the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby authorized and approved .

SECTION 2. That by reason of this authorization, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. G-01-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-12

DECLARATORY RESOLUTION NO. R-06-81

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner duly filed its petition dated October 24, 1980, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article 11, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

The East 150 feet of Lot Number 8
in Hanna Creighton Subdivision 2.

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article 11, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-06-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-07-32

RESOLUTION NO. R-LOST

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, petition has been duly filed dated June 22, 1980, for designation of the following described property as an "Urban Development Area" in accordance with Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 and I.C. 6-1.1-12.1, to-wit:

Lots Numbered one (1) through twelve (12) inclusive in Block 19, Ewing's Addition to the City of Fort Wayne, together with all vacated alleys adjacent to any of said lots and together with vacated Webster Street between West Main and West Berry Streets.

located at and commonly known as:

300 West Main Street
Fort Wayne, Indiana 46801

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That subject to the requirements of Section 2, below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approved by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 1-27-81

Charles W. Westerman
City Clerk

BILL NO. S-81-01-13

SPECIAL ORDINANCE NO. S-32-81

AN ORDINANCE approving Change Order No. 1
in connection with the West Central Phase V
project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Hipskind Concrete Corporation in connection with the West Central Phase V project, for:

additional yardwalks needed and a request for tree removal at the request of the Park Department,

in the amount of \$3,890.95, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified. confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talaico
Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-32-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-14

SPECIAL ORDINANCE NO. S-33-81

AN ORDINANCE approving City Utilities
Purchase Order No. 2591 with IBM
Corporation for equipment for the
Data Processing Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities purchase Order No. 2591 dated October 20, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and IBM Corporation for:

One (1) direct access storage device for the Data Processing Department, at a cost of \$941.00 per month for a two year lease plan, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S33-81 on the 27th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-15

SPECIAL ORDINANCE NO. S-34-81

AN ORDINANCE approving City Utilities
Purchase Order No. 9965B with Central
Supply Company for fixtures for the
Street Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 9965B dated December 15, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Central Supply Company, for:

electric lamps of various types and sizes for 1981 electric lamp requirements

at a cost of \$30,000.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ordinance No. S-34-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-16

SPECIAL ORDINANCE NO. S-35-81

AN ORDINANCE approving Change Order
No. 12 in connection with the Water
Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 12 to Hagerman/Shambaugh, Joint Bidders, Contractors, for:

Water Works Improvements Filtration Plant Addition for contract 77-W-2. Changes include an addition of chainwheels and operating chains for eight butterfly valves on air piping for the pneumatic conveying equipment; (2) deleting hot water expansion tanks and changing a relief valve to be compatible with the system minus the tanks; (3) including the addition of three chlorine gas pressure switches. It was thought that these switches were already in place but determined during construction they did not exist. The switches are required for alarm circuitry.

in the amount of \$2,738.00, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 1-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-35-81 on the 27th day of January, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of January, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-19

SPECIAL ORDINANCE NO. S- 36-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (HERBERT P. HATFIELD & ALICE M. HATFIELD)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Herbert P. Hatfield & Alice M. Hatfield Project regarding the financing of proposed economic development facilities for Herbert P. Hatfield and Alice M. Hatfield and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on August 22, 1980, and also adopted a Resolution on January 26, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of (herbert P. Hatfield & Alice M. Hatfield) complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note and Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Lincoln National Bank & Trust Co. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Herbert P. and Alice M. Hatfield under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Note and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Herbert P. Hatfield & Alice M. Hatfield), in the total principal amount of Three Hundred and Fifty Thousand Dollars (\$350,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Herbert P. Hatfield and Alice M. Hatfield under the Loan Agreement and

Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not to exceed 65 percent of the prime commercial lending rate announced by Lincoln National Bank & Trust Company, and at a price not less than 100 percent of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Herbert P. Hatfield & Alice M. Hatfield), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-36-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-20

SPECIAL ORDINANCE NO. S-37-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Industrial Development Revenue Bonds, Series 1981, E. David & Evelyn Freeman, Lynn & Carol J. Kopfenstein, Phyllis A. & William J. Rudolph, Eleanor W. Hall, Charles W. & Bette L. Harris, Arnold L. Conrad, and W. Ronald & Joan Phillips, and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Covington Creek Professional Village Project regarding the financing of proposed economic development facilities for E. David & Evelyn Freeman, Lynn & Carol J. Kopfenstein, Phyllis A. & William J. Rudolph, Eleanor W. Hall, Charles W. & Bette L. Harris, Arnold L. Conrad, and W. Ronald & Joan Phillips, Purchasers of the facilities, and the Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980 and January 26, 1981, and also adopted a Resolution on January 26, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of the Purchasers listed above complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Bond Ordinance, Assignment of Loan Agreement, Mortgage, Offer to Purchase, Inducement Letter, Assignment of Rents and Leases and other matters relating thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreements approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the Purchasers of the facilities as listed above for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the bond payments of the Purchasers of the facilities as listed above under the Loan Agreement and Bond, and the securing of said bonds by the mortgaging of such facilities by the Purchasers of the facilities to the Lender under the Mortgage complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the Loan Agreement, Bond Ordinance, Assignment of Loan Agreement, Mortgage, Offer to Purchase, Inducement Letter, Assignment of Rents and Leases and other related documentation approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Industrial Development Revenue Bonds, Series 1981 (E. David & Evelyn Freeman, Lynn & Carol J. Kopfenstein, Phyllis A. & William J. Rudolph, Eleanor W. Hall, Charles W. & Bette L. Harris, Arnold L. Conrad, and W. Ronald & Joan Phillips) in the total principal amount of \$373,400, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Loan Agreement incorporated herein by reference which bonds will be payable as to the principal premium, if any, and interest from the note payments made by the Purchasers of the facilities under the Loan Agreement and Bond or as otherwise provided in the above described Mortgage and related documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a non-default rate of interest per annum on the bonds not to exceed 12% per annum.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The

signatures of the Mayor and Clerk on the bonds may be facsimile signature. The Clerk is authorized to arrange for delivery of such bonds to the Purchaser of the bonds, payment for which will be made to said Purchaser named in the Mortgage and Loan Agreement.

SECTION 6. The provisions of this Ordinance and Loan Agreement and Mortgage securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Industrial Development Revenue Bonds, Series 1981 (E. David & Evelyn Freeman, Lynn & Carol J. Klopfenstein, Phyllis A. & William J. Rudolph, Eleanor W. Hall, Charles W. & Bette L. Harris, Arnold L. Conrad, and W. Ronald & Joan Phillips), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-37-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-21

SPECIAL ORDINANCE NO. S-38-81

AN ORDINANCE approving an Agreement for
an aerial survey between the City of Fort
Wayne, Indiana and Air Maps, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated November 12, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Air Maps, Inc. for:

This project limits the Maumee River west from Anthony Blvd., St. Joseph River South from U.S. 30 By-Pass, St. Mary's River South to Baer Field Thruway, Spy Run Creek South from Coliseum Blvd. They will photograph the rivers and creek and compile topographic maps. The primary object is to obtain topography of the river bottoms while the rivers have been dewatered as well as to show all improvements within the proposed 500 foot strips limit.

at a total cost of \$9,103.00, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-38-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-11-04

RESOLUTION NO. R-07-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$4,670,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Wilbert & Peggy Hamstra, to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Wilbert and Peggy Hamstra, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of of an economic development financing to the Applicant for the same, said economic development facility to be a shopping center office building and bank on a 12 acre site at the northeast intersection of Stelhorn and Maplecrest Roads in St. Joseph Township, Allen County, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 233 job opportunities

to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$4,670,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-07-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-08

RESOLUTION NO. R-08-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Gladieux Refinery, Inc. to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Gladieux Refinery, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be three storage tanks with foundations and pilings and a crude oil furnace at 4133 New Haven Avenue in Wayne Township, (the "Project") and

WHEREAS, the diversification of industry and an increase in approximately 20 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds. d

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R=08=81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-09

RESOLUTION NO. R-09-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$750,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, The Beverly Partnership to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, The Beverly Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a site approximately 290 x 290 feet square at 4021 New Haven Avenue in Wayne Township and an office building to be rented to Gladioux Refinery, Inc. (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 15 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$750,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions to authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-09-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-01-27

RESOLUTION NO. R-10-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$500,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, GIC Corporation to proceed with a portion of the interior construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, GIC Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposed that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 23,000 square foot office building to be located at the intersection of Baer Field Expressway and Airport Drive (formerly 13th Street), the "Project"; and

WHEREAS, the diversification of industry and an increase in approximately 5 new job opportunities to be achieved by construction and equipping of a portion of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$500,000.00 of the Issuer under the Act for a portion of the interior construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be premitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-10-81 on the 17th day of February, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-04

RESOLUTION NO. R-11-81

A RESOLUTION opposing the passage of
House Bill No. 1032

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has duly considered the content to House Bill No. 1032 and has, through its proper representatives, conferred with the City Plan Commission of the City of Fort Wayne on the subject matter of House Bill No. 1032; and,

WHEREAS, after due and thorough consideration of the proposed legislation which would be enacted if House Bill No. 1032 became law, would be an unwarranted stripping of the powers granted to localities to set land use and building standards; and,

Whereas, in line with the Home Rule Principles becoming effective in the State of Indiana, it is important for the state legislature to respect the powers of municipalities to determine for themselves zoning and building standards that are proper, reasonable, and applicable to the community; and,

WHEREAS, it is most reasonable to consider that a local community through its Plan Commission and Common Council is better qualified to judge the type of housing and location thereof under the comprehensive zoning laws of such city; and,

WHEREAS, it is far more desirable, simple, and efficient to use the definitions placed within the local zoning ordinances to generally delineate building types which are acceptable as dwellings located in any zone as opposed to having authority far removed from the local city government makes such decisions.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Fort Wayne, Indiana, does hereby oppose the passage of House Bill No. 1032 and be it further resolved that copies of this Resolution be supplied to the members of the Allen County Legislative Delegation in the General Assembly of the State of Indiana.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-11-81 on the 17th day of February, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-05

RESOLUTION NO. R-12-81

A RESOLUTION authorizing payment to
various agencies for repair of various
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Police Dept. 1977 Ford LTD II License #2B9994 IN '80	\$ 145.90	Koester's Body Shop
C D & P Dept. Shop 1978 Chevrolet four door Nova License #1071	\$ 345.75	Koester's Body
EMS Department Unit #10 '76 Dodge Van License #29219 IN '80	\$2256.15	Koester's Body Shop
TOTAL	\$2747.80	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the

above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Burns, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-12-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-06

RESOLUTION NO. R-13-81

A RESOLUTION authorizing payment to
an agency for replacement of various
signs throughout the City

WHEREAS, (1) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed and (2) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, respectively, to-wit:

<u>ITEM</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged street signs at various locations through- out the City	\$1,872.30	3 M - Traffic Control Products

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency for replacement work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-13-81 on the 17th day of February, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-08

RESOLUTION NO. R-14-81

A RESOLUTION approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1981

WHEREAS, the Board of Managers of the Fort Wayne-Allen County Convention and Tourism Authority has prepared and submitted to this body a proposed budget for the calendar year 1981, in accordance with the provisions of I.C. 18-7-18-7, which budget this body finds to be proper and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1981, as submitted to this Council on February 10, 1981, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-14-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-10-13 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-03-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. R-10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of Lots 13 and 16 in W. A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North Range 13 East, City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 13; thence N 87 degrees -21' East (bearing established from State Highway bearing on the West right-of-way of U.S. #30 and is the basis of the bearings for the courses in this description) on and along the North line of said Lot 13, a distance of 421.7 feet; thence S 03 degrees -09' E, a distance of 220.0 feet to a point situated 413.2 feet West of the West right-of-way of U.S. Highway #30, thence S 00 degrees -40' E, and parallel to said West right-of-way, 111.6 feet to the South line of said Lot #13, being also the North line of Lot #16 in said Subdivision; thence S 87 degrees -10' W, on and along said South line, a distance of 19.4 feet; thence S 02 degrees 33' E, and parallel to the West line of said Lot #16, a distance of 335.1 feet to the South line of said Lot #16, S 87 degrees -52' W, on and along said South line, a distance of 401.0 feet to the Southwest corner of said Lot #16; thence N 02 degrees -33' W, on and along the West lines of said Lots #16 and #13, a distance of 663.0 feet (platted 660.0 feet) to the point of beginning, containing 6.285 acres of land.

SECTION 2. That this ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-03-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-12-14

ZONING MAP ORDINANCE NO. Z-04-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the "B-2" Shopping Center Symbol now located at the intersection of St. Joe Center Road and St. Joe Road, shown on the City of Fort Wayne, Indiana Zoning Map No. R-34, under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana of 1974 of said Chapter is hereby deleted.

SECTION 2. That the area described as follows is hereby designated a "B-2-A", Neighborhood Shopping Center (Riviera Plaza):

Part of Blocks "D" and "E" of GEORGE L. ASHLEY HOMESTEAD ADDITION as recorded in Plat Book 1, page 84 in the Office of the Recorder of Allen County, Indiana, and with reference to Survey by Carl A. Hofer, dated 19 July 1965, described as follow to-wit:

To arrive at the point of beginning, commence at at pipe set at the intersection of the North right-of-way line of St. Joe Center Road and the West right-of-way line of the St. Joe Road, as established by Indiana Project S 728 (1) 1961; thence Westerly along said North right-of-way line, a distance of 200 feet to the aforesaid point of beginning; thence continuing Westerly along said right-of-way line a distance of 119.0 feet; thence Northwesterly by a deflection right of 22 degrees 05 minutes along the right-of-way line of the public road, now known as the Upper St. Joe Center Road, as established by said Project S728 (1) 1961, a distance of 458.1 feet to the Northwesterly line of said lot "E" thence Northeasterly on the line aforesaid as established by said Reference Survey, by a deflection right of 99 degrees 35 minutes, a distance of 102.1 feet; thence continuing Northeasterly on the line aforesaid as established by said Reference Survey, by a deflection right of 4 degrees 29 minutes, a distance of 165.2 feet; thence continuing Northeasterly on the line aforesaid as established by said Reference Survey, by a deflection right of 3 degrees 43 minutes, a distance of 333.3 feet to the North corner of said Block "E"; thence Southeasterly by a deflection right of 78 degrees 00 minutes, a distance of 50.8 feet to the West corner of Block "D"; thence continuing Southeasterly by a deflection left of 0 degrees 50 minutes, a distance of 703.0 feet, more or less, to the Northwesterly border of 8541 square feet of land, as proposed to be deeded for street purposes and lying Westerly of the St. Joe Road; thence Southwesterly on the line aforesaid by a deflection right of 110 degrees 00 minutes, more or less, a distance of 216.3 feet, more or less, to the North line of 0.76 acres Survey for Marthon Oil Company on 1 April 1968; thence West by a deflection right of 42 degrees 59 minutes on the North line of the aforesaid 0.76 acre tract, a distance of 219.2 feet; thence Southwesterly by a deflection left of 54 degrees 25 minutes on the Northwesterly line of said 9.76 acre tract, a distance of 200 feet to the point of beginning; containing 8.22 acres, more or less.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-04-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-12-31

ZONING MAP NO Z-05-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. R-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C, Metropolitan Shopping Center (Bowman Center):

Lots #21, 22, 23, 24 and 25 in J.H. Feichter's Gardenview Addition in the City of Fort Wayne, Indiana, in accordance with the plat thereof, recorded in Plat Book 7A, Page 3, in the Office of the Recorder of Allen County, Indiana.

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of East State Boulevard and Coliseum Boulevard; City of Fort Wayne Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. R-14, referred to therein, established by Section 33-11 of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map

Ordinance No. Z-05-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-12-32

GENERAL ORDINANCE NO. G-02-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

A portion of the North-South public alley in the West part of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, said portion all lying between Lot 391 and 392, according to the plat thereof recorded in plat record book "0" page 17, in the Office of the Recorder of Allen County, Indiana described as follows: Beginning at the northwest corner of said Lot 391; thence South a distance of 124.50 feet to the North right-of-way line of Lewis Street; thence Northwesterly 78 degrees 38 minutes 49 seconds along the North right-of-way line of Lewis Street a measured distance of 10.22 feet; thence North 101 degrees 14 minutes 46 seconds East a distance of 122.5 feet along the East line of Lot 392 to the South line of the East-West public alley; thence East 90 degrees 00 minutes 00 seconds along the South line of the East-West public alley a distance of 10.00 feet to the point of beginning, containing 12.35 square feet, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affect property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: One
Stier

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-02-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-01-24

GENERAL ORDINANCE NO. G-03-81

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City of
Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 1, Section 5 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting from Schedule 1A the following:

TRAFFIC SIGNALS

CALHOUN STREET	AND	DEWALD STREET
LEWIS STREET	AND	HARMAR STREET
COOMBS STREET	AND	WAYNE STREET
MAUMEE AVENUE	AND	CHUTE STREET - UNIVERSITY STREET
VAN BUREN STREET	AND	WAYNE STREET

SECTION 2. That Schedule 4, Section 48 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 4 the following:

THRU STREET

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
COLDWATER ROAD	CLINTON STREET	THE NORTH CITY LIMITS EXCEPT AT CLINTON ST. ENTRANCE TO GLENBROOK, COLISEUM BLVD., ESSEX LANE, WASHINGTON CTR. RD., AND COOK RD.

SECTION 3. That Schedule 5, Section 49 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

DEWALD STREET	-STOP-	FOR CALHOUN STREET
HARMAR STREET	-STOP-	FOR LEWIS STREET
COOMBS STREET	-STOP-	FOR MAUMEE AVENUE
UNIVERSITY STREET	-STOP-	FOR MAUMEE AVENUE
WAYNE STREET	-STOP-	FOR VAN BUREN STREET
TILDEN AVENUE	-STOP-	FOR PEMBERTON DRIVE
LARCH LANE	-STOP-	FOR BETHANY LANE

SECTION 4. That Schedule 5, Section 49 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting from Section 5 the following:

STOP INTERSECTION

PEMBERTON DRIVE	-STOP-	FOR TILDEN AVENUE
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SECTION 5. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-25

SPECIAL ORDINANCE NO. S-39-81

AN ORDINANCE approvng Civil City Purchase
Order No. 4-092581 with Dailey Asphalt
Products Company, Inc. for repaving for the
Traffic Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 409258i dated November 17, 1980, between the City of Fort Wayne, Indiana, by and through the City Purchasing Director and the Board of Public Works and Dailey Asphalt Products Company, Inc. for the repaving of the Traffic Engineering Operations Driving Lanes and Parkway at a cost of \$9,780.50, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorprated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-39-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-01-26

SPECIAL ORDINANCE NO. S-40-81

AN ORDINANCE approving City Utilities Purchase
Order No. 9906 with Poinsatte Motors, Inc.
for a vehicle for the Water Pollution Control
Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 9906, dated December 1, 1980, between the City of Fort Wayne, Indiana by and through the City Utilities Purchasing Agent and the Board of Public Works and Poinsett Motors, Inc. for:

One 1980 Plymouth Volare, four door sedan

at a cost of \$5,732.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 2-17-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-40-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-02-38

GENERAL ORDINANCE NO. G-04-81

AN ORDINANCE regulating the method of
choice of appointees to Board and Commissions

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana that the choice of members for appointment to the various boards and commissions of the City of Fort Wayne, Indiana when the Common Council is called upon to make such choice shall be in accordance with the following procedure:

Section 11 Where there are two (2) candidates the selection as to who shall be chosen shall be determined on the basis of the one of said candidates who receives the highest number of votes from the Common Council;

Section 2. Where there are more than two (2) candidates the Common Council shall choose its appointment by each member of the Common Council voting for his first, second, third, etc., choice. The first-place vote of each Councilman shall receive the highest number of points, the second-place vote shall receive the second highest number of points, and the lower votes shall receive zero points.

The candidate receiving the highest number of points shall be selected to fill the appointive position on the board or commission being filled by the Common Council of the City of Fort Wayne, Indiana.

Section 3. This ordinance shall be in full force and effect on February 17, 1981 and thereafter.

John Nuckols
Councilman

Read the third time in full and on motion by D. Schmidt, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmist, Schomburg, Stier,
Talarico
Nays: None

Date: 2-17-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-81 on the 17th day of February, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of February, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-02

SPECIAL ORDINANCE NO. S-41-81

AN ORDINANCE approving Civil City Purchase
Order No. A-000556 with Allen County
Ford Motors, Inc. for one vehicle for the
Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-000556 dated January 20, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Allen County Ford Motors, Inc., for the purchase of one dump truck with a "V" spreader and snow plow to be used in the Street Department, at a cost of \$46,615.84, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: one
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-4 1-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-07

RESOLUTION NO. R-15-81

A RESOLUTION authorizing the filing of
an application for fiscal year 1981
Community Development Block Grant Funds

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the Housing and Community Development Act of 1980, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the city's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement application for 1981 (seventh year) Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the attached application for \$2,862,000.00 in seventh year entitlement funds and the accompanying assurances be approved and forwarded to the U.S. Department of Housing and Urban Development under the signature of Mayor Win C. Moses, Jr.

SECTION 2. That Mayor Win C. Moses, Jr. in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

SECTION 3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-15-81 on the 24th day of February, 1981

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-41

RESOLUTION NO. R-16-81

A RESOLUTION authorizing payment to
various agencies for repair of various
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Street Department vehicle - #218 License #MO 22245	\$1,445.21	Street Department (Doing own repair work)
Board of Park Commissioners vehicle - #50 vehicle - #50 License #2C 2962	\$ 30.00	Koester's Body Shop
Police Department vehicle - #23 License #MO 11123	\$ 151.29	Northway Chrysler Plymouth
Community Develop- ment and Planning Department vehicle #7425 License #2E 6383	\$ 502.93	Auto Collision Service
TOTAL	<hr/> \$2,129.43	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-16-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-42

RESOLUTION NO. R-17-81

A RESOLUTION approving and ratifying
lease purchase agreements with Midwest
Fire & Safety Equipment Company, Inc. for
firefighting equipment

WHEREAS, the City of Fort Wayne entered into contracts with Midwest Fire & Safety Equipment Company, Inc. to secure through lease-purchase arrangements two (2) quick attach pumpers and one (1) extending water tower for the Fire Department through purchase orders 4-09297 and 4-09296 respectively; and

WHEREAS, the Common Council of the City of Fort Wayne approved said contracts and purchase orders, which included the sum necessary to secure said equipment on a lease-purchase basis, under Ordinance No. S14680 and Ordinance No. S14480, and

WHEREAS, Midwest Fire & Safety Equipment Company, Inc. is assigning its rights and interests in said contracts to the Merchants National Bank & Trust Company of Indianapolis through U.S. Municipal Funding, Inc. as contemplated in their bid on said equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council approves and ratifies the lease purchase agreement

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documents to be entered into in concert with Midwest Fire & Safety Equipment Company, Inc., U.S. Municipal Funding, Inc. and Merchants National Bank & Trust Company, the total gross payments specified in said agreements are \$123,454.60 and \$47,898.03, respectively, which sums coincide with said contracts.

SECTION 2. That the Mayor of the City of Fort Wayne granted full approval and authority to execute said lease-purchase agreements.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-17-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-54

RESOLUTION NO. R-18-81

A RESOLUTION to secure authority for appraisal'
of land to be sold to Baer Field Building
Corporation

WHEREAS, the Board of Aviation has negotiated for the sale of an unimproved site, 450 feet square, containing 4.65 acres and located on the West side of Baer Field, and as legally described in the attached survey for said tract by William A. Darling, dated November 17, 1980, to Baer Field Building Corporation, a not-for-profit Indiana corporation, which has been specially formed to purchase said site and erect a two bay hanger building thereon for lease to the City at its cost pursuant to I.C. 18-5-3.3-1 et seq.

WHEREAS, the City Council has heretofore found that a need exists for said facilities pursuant to Resolution heretofore adopted January 13, 1981.

WHEREAS, before the said sale may be made said statute provides that the governing body of the City shall file a Petition with the Circuit Court of the County requesting the appointment of three disinterest freeholders of the City as appraisers to determine the fair market value of the land and that the City may not sell the land to the lessor for an amount less than the fair market value as affixed by said appraisers.

WHEREAS, It is necessary to secure said appraisal forthwith in order to determine said

sale price and the lease rental to be charged by the lessor to the City for said completed project and site.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Council of Fort Wayne forthwith file a Petition with the Allen Circuit Court to have three disinterested freeholders of the City appointed as appraisers to determine the fair market value of said land and to report the amount so fixed to said Court.

SECTION 2. That the City Attorney be authorized to file said Petition with said Court for and on behalf of the City Council.

Vivian Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQUinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: ONE

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-18-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-09-23

ZONING MAP ORDINANCE NO. Z-06-81

AN ORDINANCE amending the City of Fort Wayne Zoning Map Nos. H-31 and H-35

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described ss follows is hereby designated a B-4 District under the terms of chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map Nos. H31 and H35, referred therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of the West Half of Section 33, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at a point on the East right of way line of Baer Road a distance of 313.6 feet measured along said East right of way line Northerly from the intersection of said East right of way line and the North right of way line of McArthur Drive, said point being marked by an iron pipe found in place; thence South 71 degrees 10 minutes (assumed

bearing) a distance of 141.7 feet to the centerline of McArthur Drive; thence North 19 degrees 19 minutes East a distance of 120.0 feet along said centerline of McArthur Drive to the point of beginning; thence continuing North 19 degrees 19 minutes East, 140.8 feet; thence North 70 degrees 49 minutes 30 seconds West a distance of 210.8 feet to a point on said East right of way line of Baer Road, said point being marked by an iron pin found in place; thence Southwesterly along said East right of way line of Baer Road, said East right of way line being a curve concave Northwesterly and having a chord distance of 146.0 feet; thence South 70 degrees 49 minutes 30 seconds East, 170.0 feet to the point of beginning, containing 0.62 acres and subject to all legal easements and right of way record.

and

Part of the West Half of Section 33, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows: Beginning at a point on the East right of way line of Baer Road a distance of 313.6 feet measured along said East right of way line Northerly from the intersection of said East right of way line and the North right of way line of McArthur Drive, said point being marked by an iron pipe found in place; thence South 71 degrees 10 minutes (assumed bearing), a distance of 141.7 feet to the centerline of McArthur Drive; thence North 19 degrees 19 minutes East a distance of 120.0 feet along said centerline of McArthur Drive; thence North 70 degrees 49 minutes 30 seconds West a distance of 170.0 feet to a point on said East right of way line of Baer Road, said point being marked by an iron pin set; thence Southwesterly along said East right of way line of Baer Road to the point of beginning, said East right of way line being a curve concave Northwesterly and having a chord distance of 124.5 feet; containing 0.44 acres and subject to all legal easements and rights of way of record.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-06-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-11-09 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-07-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an
R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana
of 1974; and the symbols of the City of Fort Wayne Zoning Map No. N-14, referred to therein, established
by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

The West 55 feet of Lots #31 and the West 55 feet of Lot #32 in Romy's Addition
as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor
and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Nuckols, V. Schmidt, Schomburg, Talarico
Nays: Two
GiaQuinta, Stier
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning
Map Ordinance No. Z-07-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of
February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock
P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-11

SPECIAL ORDINANCE NO. S- 42-81

AN ORDINANCE approving Change Order
No. 2 for Street Improvement Resolution
No. 5880-80 in connection with the LaRez
Neighborhood Improvement, Phase III-A Project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 to Rieth-Riley Construction Company, Inc. in connection with the LaRez Neighborhood Improvement, Phase III-A project, for:

concrete removal, sidewalk, wingwalk, concrete curb, concrete private drives, adjusting the casting, applying topsoil curbface walk,

in the amount of \$5,528.20, as set out in the specification which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-42-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-12

SPECIAL ORDINANCE NO. S-43-81

AN ORDINANCE approving Change Order
No. 1 for Street Improvement Resolution
No. 5824-78 in connection with Interstate
Industrial Park

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Brooks Construction Company, Inc. in connection with the Interstate Industrial Park for:

additional base pavement failures
required extension of pavement re
moval and additional asphalt,

in the amount of \$2,558.82, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico, Nuckols

Nays: None

Absent: One

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-43-81 on the 24th day of February, 1981

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-13

SPECIAL ORDINANCE NO. S-44-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 330-80
Phase II, between the City of Fort Wayne,
Indiana and John Dehner, Inc., Contractor
for the installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor, for:

construction of a 12 inch, 15 inch, 30 inch and 48 inch sanitary interceptor from a point 7,000 + LF East of U.S. 30 by-pass to the intersection of Maysville Road and Lake Avenue and thence North to the Northwest corner of Lot 21 in Shannonside Addition,

under Board of Public Works Sewer Improvement Resolution No. 330-80, Phase II, at a total cost of \$891,869.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-44-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-14

SPECIAL ORDINANCE NO. S-45-81

AN ORDINANCE approving a contract for
Street Lighting Resolution No. 147-80-002
between the City of Fort Wayne, Indiana,
and The Weikel Line Company, Inc.,
Contractor for installation of street lights
in Crestwood Colony Addition, Phase II

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and The Weikel Line Company, Inc., Contractor for:

installation of ornamental street
lighting in Crestwood Colony Addition,

under Board of Public Works Street Lighting Resolution No. 147-80-002, at a total cost of \$39,680.95, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special

Ordinance No. S-45-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-15

SPECIAL ORDINANCE NO. S-46-81

AN ORDINANCE approving a contract for
Street Lighting Resolution No. 147-80-001
between the City of Fort Wayne, Indiana,
and The Weikel Line Company, Inc., Contractor
for installation of street lights in Crestwood
Colony Addition, Phase I

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and The Weikel Line Company, Inc., Contractor for:

installation of ornamental street
lighting in Crestwood Colony Addition,

under Board of Public Works Street Lighting Resolution No. 147-80-001, at a total cost of \$39,890.65, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-46-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of

February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-16

SPECIAL ORDINANCE NO. S-48-81

AN ORDINANCE approving Change Order,
No. 1 for Street Lighting Improvement
Resolution 140-80 in connection with
Northwest Central Phase IV project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to N.G. Gilbert Corporation in connection with the Northwest Central Phase IV project, for:

the addition of five lights on Second Street and six lights on Third Street. This will expand the boundaries of the Northwestern Central Phase IV. There will also be an addition of seven lights to increase the level of roadway illumination,

in the amount of \$15,700.86, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Sbsent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-48-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-17

SPECIAL ORDINANCE NO. S-49-81

AN ORDINANCE approving a contract for
Sewer Improvement Resoltuion No. 335-80
between the City of Fort Wayne, Indiana
and John Dehner, Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor, for:

construction of an 8 inch, 12 inch and 15 inch sanitary interceptor from the intersection of Vinson Avenue and Pettit Avenue to an existing sanitary pumping station in Anthony Wayne Village Addition,

under Board of Public Works Sewer Improvement Resolution No. 33580, at a total cost of \$1,255,628.30, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-49-81 on the 24th day of February, 1981

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-18

SPECIAL ORDINANCE NO. S-50-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 339-80
between the City of Fort Wayne, Indiana
and Moellering Construction, Co., Inc.,
Contractor for installation of a sanitary
sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Moellering Construction, Co., Inc., Contractor for:

construction of a 12 inch and 18 inch sanitary
sewer from Lake Avenue North to eliminate an
existing sanitary pump station at intersection
of Vance Avenue and Maxim Drive

under Board of Public Works Sewer Improvement Resolution No. 339-80, at a total cost of \$127,073.50, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-50-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-19

SPECIAL ORDINANCE NO. S-51-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 330-80
Phase I, between the City of Fort Wayne,
Indiana and Rocco Ferrera & Co., Inc.,
Contractor for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rocco Ferrera & Co., Contractor, for:

construction of a 12 inch, 18 inch
and 48 inch sanitary interceptor
from the East side of U.S. 30 by-pass
and the North side of the Maumee river
Easterly 7,000 \pm LF,

under Board of Public Works Sewer Improvement Resolution No. 330-80, Phase I at a total cost of \$832,920.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-51-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-20

SPECIAL ORDINANCE NO. S-52-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution NO. 340-80
between the City of Fort Wayne, Indiana
and Bercot, Inc., Contractor for installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., Contractor for:

rehabilitation of an existing sanitary
sewer in seven areas located East of
U.S. 20 by-pass and South of Trier Road,

under Board of Public Works Sewer Improvement Resolution No. 340-80, at a total cost of \$303,689.80, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-52-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-21

SPECIAL ORDINANCE NO. S-53-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 331-80
between the City of Fort Wayne, Indiana
and Busch, Inc., Contractor for the installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Busch, Inc., Contractor for:

construction of a 12 inch and 48
inch sanitary interceptor from the
intersection of U.S. 24 East and
Estella Avenue to the intersection
of Trier Ditch and Moeller Road,

under Board of Public Works Sewer Improvement Resolution No. 331-80, at a total cost of \$521,161.90, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Paul M. Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-53-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-22

SPECIAL ORDINANCE NO. S-54-81

AN ORDINANCE approving a contract
for Sewer Improvement Resolution
No. 332-80 between the City of Fort
Wayne, Indiana and Busch, Inc., Contractor
for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Busch, Inc., Contractor, for:

construction of a 48 inch sanitary
interceptor from the intersection of
Trier Ditch and Moeller Road to the
center line of Trier Ditch and 1,400 \pm
feet West of Meyer Road,

under Board of Public Works Sewer Improvement Resolution No. 332-80, at a total cost of \$809,580.25, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-54-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-23

SPECIAL ORDINANCE NO. S-55-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 333-80
between the City of Fort Wayne, Indiana
and John Dehner, Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor for:

construction of a 12 inch sanitary
sewer from the intersection of
Pettit Avenue and Clive Avenue to an
existing sanitary pump station in
Cassel Heights Addition,

under Board of Public Works Sewer Improvement Resolution No. 333-80, at a total cost of \$323,363.90, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-55-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-24

SPECIAL ORDINANCE NO. S-56-81

AN ORDINANCE approving a contract for
Water Improvement Resolution 1023-80
between the City of Fort Wayne, Indiana,
and T-G Excavating, Inc., Contractor for
installation of water main extension

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 28, 1981, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and T-G Excavating, Inc., Contractor for:

the installation of Orlando Drive Water Main
Extension from Sharon Drive Westward 2016 ± LF
to State Highway #3

under Board of Public Works Water Improvement Resoluition 1023-80, at a total cost of \$30,686.84, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
D. Schmidt

Date: 2-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-56-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-25

SPECIAL ORDINANCE NO. S-57-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 347-80
between the City of Fort Wayne, Indiana,
and Richard Ness Excavating & Trucking
Inc. for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Richard Ness Excavating & Trucking Inc., Contractor for:

the construction of an 8 inch and 10
inch local sanitary sewer in the addition
of Poplar Ridge

under Board of Public Works Sewer Improvement Resolution No. 347-80, at a total cost of \$181,495.25, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-57-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-26

SPECIAL ORDINANCE NO. S-58-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 341-80
between the City of Fort Wayne, Indiana, and
Winzeler Excavating Co., Inc. for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Winzeler Excavating Co., Inc., Contractor, for:

the construction of a 27 inch sanitary
interceptor from the intersection of
Jefferson Boulevard and St. Mary's River
to the intersection of Beadell Street and
Junk Ditch,

under Board of Public Works Sewer Improvement Resolution No. 341-80, at a total cost of \$644,070.50, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-58-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-27

SPECIAL ORDINANCE NO. S-59-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 348-80
between the City of Fort Wayne, Indiana,
and Winzeler Excavating Co., Inc. for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Winzeler Excavating Co., Inc., Contractor, for:

the construction of an 8 inch, 12 inch
and 15 inch sanitary sewer from a point
1300 feet \pm Southwest of the intersection
of State Road #14 and Jefferson Boulevard
to the intersection of Illinois Road and
Sutton Avenue and also addition North of
Illinois Road,

under Board of Public Works Sewer Improvement Resolution No. 35880, at a total cost of \$652,385.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-59-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

731

BILL NO. S-81-02-28

SPECIAL ORDINANCE NO. S-60-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 351-80,
between the City of Fort Wayne, Indiana and
Winzeler Excavating Co., Inc. for installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Winzeler Excavating Co., Inc., Contractor for:

the construction of an 8 inch, 12 inch
and 15 inch sanitary sewer in the addition
of Westwood,

under Board of Public Works Sewer Improvement Resolution No. 351-80, at a total cost of \$476,890.30, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-60-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-29

SPECIAL ORDINANCE NO. S-61-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 352-80
between the City of Fort Wayne, Indiana,
and Bercot, Inc. for the installation of
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc. Contractor, for:

the furnishing of all labor, material,
etc. to rehabilitate existing sanitary
sewers throughout the Junk Ditch study
area,

under Board of Public Works Sewer Improvement Resolution No. 352-80, at a total cost of \$178,768.55, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-61-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-30

SPECIAL ORDINANCE NO. S-62-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 345-80
between the City of Fort Wayne, Indiana,
and Richard Ness Excavating & Trucking Co.,
Inc. for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Richard Ness Excavating & Trucking Co., Inc., Contractor for:

the construction of an 8 inch and 10
inch local sanitary sewer in the addition
of Country Club and Langford Oaks,

under Board of Public Works Sewer Improvement Resolution No. 345-80, at a total cost of \$392,195.30, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and th same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-6-2-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-31

SPECIAL ORDINANCE NO. S-63-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 338-80
between the City of Fort Wayne, Indiana,
and John Hartman d/b/a John Hartman
Construction Company, Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Hartman d/b/a John Hartman Construction Company, Inc., Contractor for:

construction of an 8 inch, 10 inch,
12 inch and 21 inch sanitary sewer
for the purpose to serve Ridgeview
Heights Addition

under Board of Public Works Sewer Improvement Resolution No. 33880, at a total cost of \$278,608.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-63-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-32

SPECIAL ORDINANCE NO. S-64-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 350-80
between the City of Fort Wayne, Indiana,
and Richard Ness Excavating & Trucking
Inc. for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Richard Ness Excavating & Trucking, Inc., Contractor, for:

the construction of an 8 inch 12
inch and 15 inch sanitary sewer for
the addition of Elmcrest,

under Board of Public Works Sewer Improvement Resolution No. 35080, at a total cost of \$166,972.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-64-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-33

SPECIAL ORDINANCE NO. S-65-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 336-80
between the City of Fort Wayne, Indiana
and John Dehner, Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor for:

construction of a 15 inch, 21 inch and
48 inch sanitary sewer interceptor from
the intersection of Trier Ditch and
Paulding Road to the intersection of Trier
Ditch and Tillman Road,

under Board of Public Works Sewer Improvement Resolution No. 336-80, at a total cost of \$240,297.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-65-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-34

SPECIAL ORDINANCE NO. S-66-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 334-80
between the City of Fort Wayne, Indiana
and Busch, Inc., Contractor for installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Busch, Inc., Contractor for:

construction of a 12 inch, 15 inch, 30 inch
and 48 inch sanitary interceptor from the
center line of Trier Ditch and 1400 + feet
West of Meyer Road to the center line of
Trier Ditch and Paulding Road,

under Board of Public Works Sewer Improvement Resolution No. 334-80, at a total cost of \$352,732.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-66-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-35

SPECIAL ORDINANCE NO. S-67-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 349-80
between the City of Fort Wayne, Indiana,
and T-G Excavating, Inc. for installation
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T-G Excavating, Inc., Contractor, for:

the construction of a 24 inch interceptor from the intersection of High Street and Tyler Avenue To the intersection of Spring Street and Sprunger Street,

under Board of Public Works Sewer Improvement Resolution No. 34980, at a total cost of \$236,642.90, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-67-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-36

SPECIAL ORDINANCE NO. S-68-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 342-80
between the City of Fort Wayne, Indiana,
and Winzeler Excavating Co., Inc. for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Winzeler Excavating Co., Inc. Contractor, for:

the construction of an 8 inch, 12 inch, 18 inch and 24 inch sanitary sewer from the intersection of Geneva Street and Stoner Drive to the intersection of Cradon Lane and Melbourne Court in the addition of Country Club Gardens,

under Board of Public Works Sewer Improvement Resolution No. 342-80, at a total cost of \$1,282,562.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-68-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

740
BILL NO. S-81-02-37

SPECIAL ORDINANCE NO. S-47-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 337-80
between the City of Fort Wayne, Indiana
and John Dehner, Inc., Contractor for
installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated January 13, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and John Dehner, Inc., Contractor for:

construction of an 8 inch and 10 inch
local sanitary sewer for A.M. Zuber's
Addition and Zuber's Homestead Addition,

under Board of Public Works Sewer Improvement Resolution No. 33780, at a total cost of \$223,529.52, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
D. Schmidt

Date: 2-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-47-81 on the 24th day of February, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

741

BILL NO. R-81-02-53

RESOLUTION NO. R-19-81

A RESOLUTION concerning Municipal
Park Departments, Metropolitan Human
Relations Departments, Redevelopment
Commissions, and Police Officers
and Firefighters Salaries

WHEREAS, the present state Law provides that directors of Park Departments in cities of the second class are named by members of the Park Board; and,

WHEREAS, the present law governing second class cities permits the Metropolitan Human Relations Commission to choose its own director; and,

WHEREAS, the present law of Indiana permits the Redevelopment Commission itself to choose its own director; and,

WHEREAS, the present law of the State of Indiana gives the Common Council of second class cities of the State of Indiana the right to set pay for police officers and firefighters; and,

WHEREAS, the Indiana General Assembly now in session is presented with proposals for changes in the method of selection of directors for above boards and commission and would deny to the Common Council of second class cities of the State of Indiana the right now invested in them to set pay for police officers and firefighters; and,

WHEREAS, the proposals for such changes will be deleterious to the legislative functions of cities and will vest the control in the hands of Mayors to select such director and set the pay of police officers and firefighters and would destroy powers of boards and commission to conduct their own affairs by denying them the right to themselves make the selection of their directors in the case of the Park Board, Metropolitan Human Relations Commission and the Redevelopment Commission and would deprive the Common Council of its present and long-standing authority to ultimately and finally set pay for police officers and firefighters to the resultant damage to communities in which said boards, commissions and Common Council function.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Fort Wayne, Indiana, does hereby oppose the passage of any bills in the Indiana General Assembly which would deprive the park boards of cities of the second class to name their directors or which would deprive the members of the Metropolitan Human Relations Commission and the Redevelopment Commission of cities of the second class the power to appoint their own directors or would deprive the Common Councils of the second class of its right to ultimately set pay for police officers and firefighters, and

BE IT FURTHER RESOLVED, that copies of this resolution be supplied to members of the Allen County Legislative Delegation in the General Assembly of the State of Indiana and that said Allen County Legislative Delegation in the General Assembly of the State of Indiana do its utmost to defeat any proposals aimed at any of the above changes and seek to influence its fellow legislative members against such changes.

Roy J. Schomburg
Councilman

Read the third time in full and on motion by Schomburg, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Burns, D. Schmidt

Date: 3-10-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-19-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

PASSED BY A 2/3 NEEDED VOTE TO OVERRIDE THE MAYOR'S VETO

BILL NO. S-81-02-39

SPECIAL ORDINANCE NO. S-69-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1981 (C. L. Schust Co., Inc.)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of L.C. Schust Co., Inc. regarding the financing of proposed economic development facilities consisting of machinery and equipment for plant on Lot 9 in Centennial Industrial Park, Fort Wayne, and the City Plan Commission has commented favorably thereof; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on February 19, 1981, and also adopted a Resolution on said date which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-64.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including Security Agreement and Indenture of Trust and Equipment Loan Agreement and Series 1981 Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3 The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (C.L. Schust Co., Inc. Project), in the total principal amount of \$140,000.00 dated February 1, 1981 payable with interest at 11 1/2% due 1986 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bond authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the loan agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (C.L. Schust Co., project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage

and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-69-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-40

SPECIAL ORDINANCE NO. S-70-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1981 (Bruce E. Winebrenner)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of Bruce E. Winebrenner regarding the financing of proposed economic development facilities consisting of plant and office facilities on Lot 9 Centennial Industrial Park, Fort Wayne, and the City Plan Commission has commented favorable thereof; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on February 19, 1981, and also adopted a Resolution on said date which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including Mortgage and Indenture of Trust, Loan Agreement, Lease for Bruce E. Winebrenner to C. L. Schust Assignment of Lease, Consent to Assignment and Series 1981 Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities

referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the financing document approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (Bruce E. Winebrenner Project), in the total principal amount of \$450,000.00 dated February 1, 1981, payable with interest at 10 1/2% due 1993 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing document incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, and indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the loan agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Bonds, Series 1981 (Bruce E. Winebrenner Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-70-81 on the 10th day of March, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of

March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-13

RESOLUTION NO. R-20-81

A RESOLUTION authorizing the transfer of
funds from Account Number 402-010-006-01-4252
"Repairs-Equipment" to Account Number
402-010-006-01-4321 "Gasoline" in the 1981 Budget
of the Board of Public Works

WHEREAS, it has become necessary to transfer funds to Account Number 402-010-006-01-4321 "Gasoline" in the 1981 Budget of the Board of Public Works, for which adequate funds exist in Account Number 402-010-006-01-4252 "Repairs-Equipment" and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$9,500.00 to Account Number 402-010-006-01-4321 "Gasoline" of the 1981 Budget of the Board of Public Works.

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-010-006-01-4252 "Repairs-Equipment" is hereby reduced in the amount of \$9,500.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-20-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-14

RESOLUTION NO. R-21-81

A RESOLUTION authorizing payment to various agencies for repair of various vehicles and equipment

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>VEHICLE EQUIPMENT</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged traffic signs throughout the City	\$5,739.30	3M Company
Damaged controller cabinet at Cold-water Road and Essex Lane resulting from a traffic accident	\$ 710.50	Signal Engineering South
Police Department Vehicle #37 License #MO 11137	\$ 154.01	Koester's Body Shop
Weights & Measures Vehicle. License #MO12465	\$ 475.36	Koester's Body Shop

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies for vehicle and equipment repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-21-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-15

RESOLUTION NO. R-22-81

A RESOLUTION concerning energy use and
encouraging development of all energy
resources in the United States

WHEREAS, the people of the United States face a serious threat to their economic welfare, independence of action and national security unless action is taken by every citizen to utilize our national resources to secure our energy future, to intelligently use our coal, oil, gas, uranium, and other resources which we possess and to fully utilize our technological strength and spirit of innovation to the end that other sources of energy alternatives are fully utilized and that energy waste be eliminated as far as possible and that every effort to be made to encourage development of our energy resources to free United States from foreign domination and better provide its citizen with prosperity, health, freedom, and peace.

NEW THEREFORE BE IT RESOLVED, by the Common Council of the City of Fort Wayne, Indiana that it add its voice to the pledge to reduce energy waste, to save on our use of oil, to urge government and industrial leaders to speed up the production of domestic oil and gas, to expand the use of electricity generated by coal, hydroelectric and nuclear energy and to expedite the development of promising energy technology including solar energy, fussion, and synthetic fuels and to pledge our full support to the national effort to call attention to these goals under the banner of American Energy Week of March 15-21, 1981.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Shmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-22-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-23

RESOLUTION NO. R-24-81

A RESOLUTION TO MAKE AND ENTER INTO
A CONTRACT OF LEASE WITH BAER FIELD
BUILDING CORP.

WHEREAS, the petition of fifty (50) or more taxpaying citizens of Fort Wayne, Indiana, heretofore filed requesting the lease of an airport hanger from Baer Field Building Corporation, which corporation was organized pursuant to provisions of the Indiana Not-For-Profit Corporation Act for the purpose of erecting and leasing an airport hanger, and said petition having been approved by this City Council; and

WHEREAS, the Baer Field Building Corporation has been organized for the purpose of erecting an airport hanger for the use of the City of Fort Wayne, Indiana, and has had prepared drawings, plans, specification and estimates for the cost of erecting such building and has drafted and submitted a proposed lease for said building; and

WHEREAS, said drawing, plans, specification and estimates having been approved by the City Council of Fort Wayne, Indiana, and having been approved by all other agencies believed to be required by law to approve the same, and having been submitted to and now meets with the approval of the City Council of Fort Wayne, Indiana; and

WHEREAS, such plans having been marked to clearly indicate the work covered by the proposed lease; and

WHEREAS, it now appears to the City Council of Fort Wayne, Indiana, that said drawings, plans, specifications, and estimates provide the necessary facilities for the citizens of Fort Wayne, Indiana, and that the proposed lease with the Baer Field Building Corporation as lessor provides for a fair and reasonable rental;

NOW, THEREFORE,

BE IT RESOLVED, that the terms and conditions of the proposed form of lease, plans, specifications, and estimates are approved and agreed to as a basis for a hearing as required by law, and that such hearing should be held by the City Council of Fort Wayne, Indiana, upon the necessity for the execution of such lease and whether the lease rentals provided for therein is a fair and reasonable rental for the proposed building prior to the final determinations of such questions so that the City Council of Fort Wayne, Indiana, may determine whether to execute such lease as now written or as modified, said hearing to be held March 24, 1981, at 7:30 p.m. at the City-County Building, Fort Wayne, Indiana, Council Chambers.

BE IT FURTHER RESOLVED, that the Clerk for the City Council of Fort Wayne, Indiana, is authorized and directed to publish notice

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-24-81 on the 10th day of March, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-01-10

ZONING MAP ORDINANCE NO. Z-08-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. M-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. M-18, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots Numbered 11, 12 and 13 in John H.
Jacob Addition

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman '

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-08-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-45

RESOLUTION NO. R-23-81

A RESOLUTION approving a Proposed Housing
Assistance Project of the Fort Wayne
Housing Authority

WHEREAS, the Housing Authority of the City of Fort Wayne, Indiana, a separate public body corporate and politic, created and existing under the Indiana state statute and activated by resolution of this body pursuant to the provisions of such statute, proposes to apply to the United States Department of Housing and Urban Development for Section 8, United States Housing Act of 1947, as amended, Housing Assistance Payments Programs funds, to be used to provide rental assistance to eligible families

and elderly persons in the City of Fort Wayne, as follows:

Section 8 Existing Housing

a.	Elderly (one bedroom units)	27
b.	Family (one bedroom units)	5
c.	Family (two bedroom units)	<u>17</u>

Total 49

which, when added to the 919 rental assistance units presently authorized, will make a total of 968 such units in the city; and,

WHEREAS, said statute requires the Housing Authority to obtain approval of this body as its activating agency before initiating such Rental Assistance Payments Project; and,

WHEREAS, it is the sense of this body that such program proposed by the Housing Authority will be of benefit to many deserving Fort Wayne citizens and to the community as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the aforesaid proposed Housing Assistance Payments Project of the Housing Authority of the City of Fort Wayne, Indiana, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 3-10-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-23-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-48

SPECIAL ORDINANCE NO. S-71-81

AN ORDINANCE approving an agreement for storm sewer extension, sanitary sewer extension and water main extension between the City of Fort Wayne, Indiana, and the Devonshire Corporation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain agreement dated February 4, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and the Devonshire Corporation, for:

- (1) the construction of a storm sewer in Westmoor Extended Addition;
- (2) the construction of a sanitary sewer in Westmoor Extended Addition and in Devonshire; and
- (3) the construction of a 6" water main on Reckeweg Road,

at a total cost of \$31,131.00 to the City, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 3-10-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-49

SPECIAL ORDINANCE NO. S-72-81

AN ORDINANCE approving a contract for Street Lighting Improvement Resolution No. 148-80 between the City of Fort Wayne, Indiana and Biggs Electrical Construction, Inc., Contractor for street lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1

SECTION 1. That a certain contract, dated February 4, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Biggs Electrical Construction, Inc., Contractor, for:

underground wiring to light the
Shawnee Drive - Webster Street area,

under Board of Public Works Street Lighting Improvement Resolution No. 148-80, at a total cost of \$16,833.30 to be paid for in installments by the Barrett Law Revolving Improvement Fund, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-72-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-50

SPECIAL ORDINANCE NO. S-73-81

AN ORDINANCE approving a contract for
Water Improvement Resolution No. 80-XP-1
between the City of Fort Wayne, Indiana,
and North Eastern Construction Company,
Inc. for installation of water main
extension

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 4, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and North Eastern Construction Company, Inc., Contractor, for:

the installation of 1386 + LF of 12"
water main on Ley Road between Mer
chandise Drive and Industrial Road,

under Board of Public Works Water Improvement Resolution No. 80-XP-1, at a total cost of \$31,864.40, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-10-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-73-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-22

RESOLUTION NO. R--25-81

A RESOLUTION approving the final report of the Economic Development Study Committee, commending said committee for its work and recommending adoption of said report as procedure to be followed by Fort Wayne Economic Development Commission and all other concerned persons and governmental units

On March 3, 1981, the final written report of the Economic Developments Study Committee was submitted to the Common Council of the City of Fort Wayne, Indiana for its review and action,

The Common Council of the City of Fort Wayne, Indiana has now reviewed said final report and does hereby formally adopt the following resolution concerning the same:

BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana that the final written report of the Economic Development Study Committee dated March 2, 1981, is hereby approved by the Common Council of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED that said Common Council does hereby recommend that the Community and Development and Planning Staff, the Economic Development Commission attorney, the Allen County Council, the Common Council of the City of Fort Wayne, the Community Development and Planning Staff, the Economic Development Commission, the Mayor of the City of Fort Wayne, the

attorneys for all applicants, all applicants, the Clerk of the City of Fort Wayne, and all other persons and units of government and applicants follow the procedure as recommended the proposed for Fort Wayne Economic Development Commission Bond Procedure;

BE IT FURTHER RESOLVED that said final written report together with the proposed "tracking system" for all applicants at all stages of the process be adopted and made a matter of record in the proceedings of the Common Council and that copies thereof be placed by the Economic Development Commission in the hands of all persons concerned with the Economic Development Bond Procedure;

BE IT FURTHER RESOLVED that the Economic Development Study Committee is hereby highly commended for its work in producing said final written report and the sincere thanks of all concerned for its devotion to the process of finalizing a workable Fort Wayne Economic Development Commission Bond Procedure.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-25-81 on the 10th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of March, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-02

SPECIAL ORDINANCE NO. S-74-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1981 (The Young Women's Christian Association of Fort Wayne, Indiana)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of The Young Women's Christian Association of Fort Wayne, Indiana regarding the financing of proposed economic development facilities consisting of a swimming pool, racquetball courts and recreational facilities at 2000 North Wells Street, Fort Wayne, Indiana, and the City Plan Commission has commented favorably thereof; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on February 26, 1981 and also adopted a Resolution on said date which Resolution has been transmitted

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hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including Mortgage and Indenture of Trust, Loan Agreement and Series 1981 Bond.

NOW THEREFORE,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (The Young Women's Christian Association of Fort Wayne, Indiana Project), in the total principal amount of \$925,000.00 dated January 1, 1981 payable with interest at 65% of prime due 1995 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein and at price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the loan agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (The Young Women's Christian Association of Fort Wayne, Indiana project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-74-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-04

SPECIAL ORDINANCE NO. S-75-81

AN ORDINANCE approving Civil City Purchase
Order No. A-000558 with Allen County Motors,
Inc. for a vehicle for the Humane Shelter

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-000558 dated February 17, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Allen County Motors Inc. for the purchase of one cargo type truck van to be used by the Humane Shelter, at a cost of \$12,856.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmdit
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
s Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-75-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-05

SPECIAL ORDINANCE NO. S-76-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09479 with General Electric
Company for portable radios for the Communications
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09479 dated February 25, 1981, between the City of Fort Wayne by and through the City Purchasing Director and the Board of Public Safety and General Electric Company for the purchase of VHF hand held portable two-way radios to be used in the Communications Department, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-76-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-06

SPECIAL ORDINANCE NO. S-77-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09476 with General Electric
Company for portable radios for the
Communications Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09476 dated February 18, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and General Electric Company, for the purchase of VHF hand held portable radios

to be used in the Communications Department, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-77-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-07

SPECIAL ORDINANCE NO. S-78-81

AN ORDINANCE approving a certain bid document for purchase of oil and petroleum products for the Board of Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That ascertain bid document reference number 589A dated February 18, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Indland Oils, Inc., Aero Oil Company and Smith Petroleum Inc. for the purchase of oil and petroleum products all as more particularly set forth in said bid document reference number 589A and Purchase Order Numbers 4-09471, 4-09472 and 4-09473, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-78-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-08

SPECIAL ORDINANCE NO. S-79-81

AN ORDINANCE approving Civil City
Purchase Order No. 4-09475 with General
Electric Company for mobile radios for the
Communications Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09475 dated February 18, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and General Electric Company for the purchase of VHF front mount mobile radios to be used in the Communications Department, at a cost of \$650.00 each, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt,, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-79-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

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Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-09

SPECIAL ORDINANCE NO. S-80-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09474 with General Electric
Company for mobile radios for the Communications
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09474 dated February 18, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and General Electric Company, for the purchase of VHF trunk mount mobile radios to be used in the Communications Department at a cost of \$739.00 each, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-80-81 on the 24th day of March, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-10

SPECIAL ORDINANCE NO. S-81-81

AN ORDINANCE approving Civil City Purchase
Order No. 4-09478 with General Electric
Company for mobile radios for the Communications
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09478 dated February 18, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and General Electric Company for the purchase of UHF front mount mobile radios to be used in the Communications Department at a cost of \$635.00 each, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 3-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S -81-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-11

SPECIAL ORDINANCE NO. S-82-81

AN ORDINANCE approving a Civil City
Purchase Order No. 4-09477 with General
Electric Company for portable two way radios
for the Communication Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 409477 dated February 18, 1981, between

the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Safety and General Electric Company, for the purchase of UHF hand held portable two way radios to be used in the Communications Department, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-82-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-45

SPECIAL ORDINANCE NO. S-83-81

AN ORDINANCE approving and authorizing the execution of a lease between the City of Fort Wayne, Indiana, and Baer Field Building Corporation for hangar building and site at Baer Field

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain lease dated March 24, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Aviation Commissioners, and Baer Field Building Corporation, an Indiana not for profit corporation, for:

The lease of an airport hangar and site located at Baer Field Airport, Fort Wayne, Indiana, for a term of 20 years, commencing with the completion of said improvements at an annual rental of \$336,588.00,

all as more particularly set forth in said lease agreement which is on file in the office of the Board of Aviation Commissioners, copy of which is attached hereto and made a part hereof, be, and the same is in all things, hereby ratified, confirmed and approved and its execution is hereby authorized.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. SCHmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-83-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of March, 1981, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-12

RESOLUTION NO. R-26-81

A RESOLUTION finding, determining and ratifying
an Inducement Resolution of the Fort Wayne
Economic Development Commission authorizing
the issuance and sale of \$1,000,000.00 Economic
Revenue Bonds of the City of Fort Wayne, Indiana,
for the purpose of inducing the Applicant,
Standard Building Partnership, to proceed
with the acquisition, construction and
equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Standard Building Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an office building and equipment at 215 East Berry Street in Fort Wayne, Indiana, to be acquired and renovated, (the "Project") and

WHEREAS, the diversification of industry and an increase in approximately 5-20 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, hving received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 3-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-26-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-01-22

ZONING MAP ORDINANCE NO. Z-09-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. P-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated an R-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974, and the symbols of the City of Fort Wayne Zoning Map No. P-31, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

A parcel of land located in the Northwest One-Quarter of Section 31, Township 30 North, Range 13 East, Allen County, Indiana more particularly described as follows, to-wit:

Commencing at the center of Section 31, Township 30 North, Range 13 East; thence North along the North-South centerline of Section 31 a distance of 443.0 feet to the point of beginning. BEGINNING at the above described point; thence continuing North along said North-South centerline a distance of 887.0 feet to the South line of the Northeast One-Quarter of the Northwest One-Quarter of Section 31; thence West along the South line of the Northeast One-Quarter of the Northwest One-Quarter a distance of 339.33 feet; thence South a distance of 870.8 feet; thence South 87° - 16' East a distance of 339.72 feet to the point of beginning, containing 6.85 acres of land more or less.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Talarico
Nays: Three
Burns, D. Schmidt, Stier

Date: 3-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-09-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-18

SPECIAL ORDINANCE NO. S-84-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 381-80
between the City of Fort Wayne, Indiana, and

Earth Construction & Engineering, Inc.
for installation of a sanitary sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated February 25, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction & Engineering, Inc., Contractor for:

the construction of a 12 inch sanitary
sewer which will eliminate an existing
pump station,

under Board of Public Works Sewer Improvement Resolution No. 31880, at a total cost of \$148,596.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-84-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. ~~S-81-03-19~~

SPECIAL ORDINANCE NO. S-85-81

AN ORDINANCE approving City Utilities
Purchase Order Numbers 9898 and 9899
with Midwest Video Co. and Video Media
Corporation, respectively, for documentation
for the Water Pollution Control Engineering
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order Numbers 9898 and 9899 dated November 24, 1980, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and

the Board of Public Works and Midwest Video Co. and Video Media Corporation, respectively, for:

Video tape documentation of the St. Joe
and Spy Run area for Water Pollution
Control Engineering Department. This is
a detailed record taken of each project
prior to construction,

at a cost of \$14,175.35, all as more particularly set forth in said Purchase Orders, which are on
file in the Office of the Department of Purchasing and is by reference incorporated herein and made
a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the
Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-85-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of
March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock
P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-20

SPECIAL ORDINANCE NO. S-86-81

AN ORDINANCE approving City Utilities
Purchase Order No. 9895 with Hefner
Chevrolet, Inc. for a vehicle for the
Water Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order 9895 dated November 21, 1980, between
the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public
Works and Hefner Chevrolet, Inc. for:

one 1981 van truck to be used in the
Water Maintenance and Service Department,

at a cost of \$6,635.00, all as more particularly set forth in said Purchase Order, which is on file

in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-86-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-21

SPECIAL ORDINANCE NO. S-87-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 319-80
between the City of Fort Wayne, Indiana,
and Earth Construction & Engineering, Inc.
Contractor, for installation of a sanitary
sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated February 25, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction & Engineering, Inc., Contractor, for:

construction of an 18 inch sanitary
sewer which will eliminate an existing
pump station,

under Board of Public Works Sewer Improvement Resolution No. 319-80, at a total cost of \$424,775.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 3-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-87-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-42

RESOLUTION NO. R-28-81

A RESOLUTION opposing payment by
City of Fort Wayne of patrolman's
wage to any police officer when
working on union business

WHEREAS, it has been reported that Patrolmen's Benevolent Association has made demand for a full time city paid union President; and,

WHEREAS, dues are paid by members of the Patrolemen's Benevolent Association for the purpose of fostering the objectives of said union; and

WHEREAS, the City of Fort Wayne pays a full patrolman's wage of Seventeen Thousand Seventy-five Dollars (\$17,075.00) for this current city year to each patrolman performing services as a police officer plus a portion of the pension of said patrolman, plus other fringe benefits and should not be required to pay the expense of union activities of the Patrolmen's Benevolent Association from civil city funds or other city funds because, among other things, such a payment would be from taxpayers' money for the espousal of union activities which activities in and of themselves further the interests of the members of the Patrolmen's Benevolent Association; and,

WHEREAS, the union activities in and of themselves have been declared legal but are in furtherance of the private interest of the members of the union.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Fort Wayne, Indiana, does hereby go on record as opposing any payment of wage to any police officer while engaged on work solely in the union's business.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: none

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-28-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

BILL NO. X-81-01-17

ANNEXATION ORDINANCE NO. X-01-81

AN ORDINANCE annexing certain territory,
commonly known as Southtown Mall West,
and including the same in Councilmanic
District No. 5

WHEREAS, the owners of the herein described territory have petitioned for voluntary annexation of territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

a part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, more particularly described as follows:

Beginning at the Northeast corner of said Quarter-Quarter Section; thence South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1315.43 feet along the East line of said Quarter-Quarter Section to the Southeast corner of said Quarter-Quarter Section; thence North 89 degrees 39 minutes 16 seconds West 500.00 feet along the South line of said Quarter-Quarter Section; thence North 00 degrees 00 minutes 11 seconds East 1315.76 feet parallel to the East line of said Quarter-Quarter Section to the North line of said Quarter-Quarter Section; thence South 89 degrees 37 minutes 00 seconds East 500.00 feet along the North line of said Quarter-Quarter Section to the point of beginning containing 15.101 acres, more or less, & excluding public road r/w.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana of 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X- 01-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. R-81-01-18

RESOLUTION NO. R-27-81

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of Southtown
Mall West

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of Southtown Mall West, more specifically described, to-wit:

a part of the Northeast Quarter of the Northwest Quarter' of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northeast Quarter of said QuarterQuarter Section; thence South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1315.43 feet along the East line of said Quarter-Quarter Section to the Southeast corner of said Quarter-Quarter Section; thence North 89 degrees 39 minutes 16 seconds West 500.00 feet along the South line of said Quarter-Quarter Section; thence North 00 degrees 00 minutes 11 seconds East 1315.76 feet parallel to the East line of said Quarter-Quarter Section to the North line of said Quarter-Quarter Section; thence South 89 degrees 37 minutes 00 seconds East 500.00 feet along the North line of said Quarter-Quarter Section to the point of beginning, containing 15.101 acres, more or less, & excluding public road r/w.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the annexation of Southtown Mall West it is the policy

of the City of Fort Wayne to follow the provisions of Common Council Resolution No. 5679 with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Southtown Mall West annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 3-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-27-81 on the 24th day of March, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

AN ORDINANCE AUTHORIZING THE CITY OF FT. WAYNE TO ISSUE ITS \$375,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (CSC REALTY PROJECT) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

WHEREAS, The City of Ft. Wayne Economic Development Commission has been duly created by the City of Ft. Wayne, Indiana, and the members of the Commission have been duly appointed and qualified pursuant to law; and

WHEREAS, the City of Ft. Wayne Economic Development Commission has prepared and filed with the Allen County Plan Commission its report entitled "Report of the City of Ft. Wayne Economic Development Commission Concerning the Proposed Construction of Economic Development Facilities by CSC Realty"; and

WHEREAS, the City of Ft. Wayne Economic Development Commission, after a public hearing conducted on March __, 1981, adopted a Resolution on the same date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities (the "Project") of CSC Realty complies with the purposes and provisions of I.C. 1971, 18-6-4.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the City of Ft. Wayne and its citizens; and

WHEREAS, the City of Ft. Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this Common Council the Loan Agreement (the "Agreement") between the City of Ft. Wayne and CSC Realty (the "Company"), Mortgage and Security Agreement from the Company to the City of Ft. Wayne (the "Mortgage"), an Assignment of such Mortgage (the "Assignment") from the City of Ft. Wayne to Indiana Bank and Trust Company (the "Trustee"), and a Trust Indenture between the City of Ft. Wayne and the Trustee (the "Indenture"); now, therefore,

BE IT ORDAINED by the Common Council of the City of Ft. Wayne, Indiana, that:

Section 1. It is hereby found and determined that the financing of the economic development facilities constituting the Project and referred to in the Loan Agreement approved by

the City of Ft. Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of \$375,000 Economic Development First Mortgage Revenue Bonds of the City of Ft. Wayne, the use of the net proceeds thereof for the construction and equipment of such facilities, the payment of principal of, premium, if any, and interest on such bonds from bond payments pursuant to the Agreement, and the securing of said bonds by the mortgaging of the Project to the Trustee

pursuant to the Mortgage and the Assignment, all as previously approved by the City of Ft. Wayne Economic Development Commission and presented to this Common Council, will be of benefit to the health and welfare of the City of Ft. Wayne and its citizens and complies with the purposes and provisions of the Act. It is further found and determined that the increase in the dollar amount of the financing from the approximate amount previously approved by this Council to \$375,000, in view of the passage of time and the general economic conditions, is reasonable and justified, and is hereby approved.

Section 2. The forms of the Agreement, the Mortgage, the Assignment and the Indenture approved by the City of Ft. Wayne Economic Development Commission are hereby approved. Such documents collectively shall be considered the "Financing Agreement" referred to in the Act. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

Section 3. The City of Ft. Wayne hereby determines that economic development revenue bonds shall be issued pursuant to the Act in the principal amount of \$375,000 for the aforesaid purpose. Such bonds shall be designated "City of Ft. Wayne Economic Development First Mortgage Revenue Bonds ("CSC Realty Project") (the "Bonds"), and shall be issued for the purpose of procuring funds to make a loan to CSC Realty which shall use such proceeds to pay the costs of acquisition,

construction and equipment of the economic development facilities constituting the Project, as more particularly set out in the Indenture and Agreement incorporated herein by reference, which Bonds shall be issued in the form and denomination and shall be executed, dated, be subject to redemption on the dates and at the prices as provided herein and in the Indenture, and more particularly as provided in the form of Bond appearing in such Indenture, which form is specifically hereby approved. The Bonds will be payable as to principal, premium (if any) and interest from the loan payments made by CSC Realty under the Agreement and from other revenues and income realized under the Agreement, or as otherwise provided in the above described Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Ft. Wayne.

Section 4. The Mayor and the City Clerk are authorized and directed to sell the Bonds to The Cincinnati Insurance Company, Cincinnati, Ohio as the original purchaser thereof, at a rate of interest not to exceed 10% per annum and at a price of 100% of the principal amount thereof. The Bonds shall be scheduled to mature on March 15, 2000, with portions of the Bonds becoming due in annual installments over a period of years pursuant to the mandatory sinking fund provisions set forth in Section 7 hereof. Payments of principal of, premium, if any, and interest on the Bonds shall be made in the manner and on the dates prescribed in the Bonds and in the Agreement.

Section 5. The Mayor and the City Clerk be and they are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City of Ft. Wayne and any other document which may be necessary or desirable to consummate the transaction including, without implied limitation, the Bonds authorized herein and financing statements to be utilized in connection with the perfection of security interests. The forms of the documents constituting the Financing Agreement shall be subject to such changes as are not inconsistent with this Ordinance and as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution of such documents by the Mayor and/or the City Clerk. The signatures of the Mayor and the City Clerk on the Bond and coupons, if any, may be facsimile signatures. The City Clerk is authorized to arrange for delivery of the Bonds to the Trustee against payment therefor by such Trustee.

Section 6. At the time of issuance, delivery and payment for the Bonds, the Bond Fund Payment (as defined in the Indenture) shall be deposited from the purchase price for the Bonds into the Bond Fund (as hereinafter defined).

There is hereby created by the City of Ft. Wayne and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to be designated "City of Ft. Wayne - CSC Realty Construction Fund" (herein called the "Construction Fund").

After deducting the Bond Fund Payment required by the preceding paragraph to be paid otherwise than to the Construction Fund, the balance of the proceeds of the Bonds shall be deposited in the Construction Fund as the Loan to the Company provided for in the Agreement. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement. The City of Ft. Wayne covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the Trustee as Trustee for the Bondholders.

Section 7. As provided in the Agreement, payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the City of Ft. Wayne and deposited in the Bond Fund. Under the provisions of the Agreement, payments with respect to the promissory note delivered by the Company to the City of Ft. Wayne and assigned to the Trustee (the "Note") shall be deposited into the Bond Fund for the account of the City of Ft. Wayne and shall constitute Loan Payments.

There is hereby created by the City of Ft. Wayne and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Ft. Wayne - CSC Realty Revenue Bond Fund" (herein called the "Bond Fund"). The Bond Fund (and accounts therein, if any, provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption, all as provided herein and in the Indenture and the Agreement, provided that no part thereof (except as may otherwise be provided for herein and in the Indenture or the Agreement) shall be used to redeem, prior to maturity, any Bonds.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Agreement, to appropriate accounts therein, if any), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Indenture or the Agreement to be deposited in the Construction Fund, the Debt Service Reserve Fund (as hereinafter defined) or any other separate insurance or condemnation proceeds account; provided, however, that Pledged Receipts shall be deposited and utilized only to the extent necessary to pay Bond service charges and to

maintain the required deposit in the Debt Service Reserve Fund, or to pay other amounts required under the Agreement or the Indenture.

As and for the mandatory sinking fund requirements for the retirement, by mandatory redemption of the Bonds, the aggregate of the Loan Payments specified in Section 2.1 of the Agreement which is to be deposited in the Bond Fund on or before each Loan Payment Date (as defined in the Agreement) shall include amounts sufficient to redeem (less the amount of any credit as provided in the next following paragraph) on each corresponding Mandatory Redemption Date (as defined in the Agreement) the principal amount of Bonds set opposite the appropriate year as follows:

<u>Year</u>	<u>Mandatory Sinking Fund Requirement</u>	<u>Stated Maturity</u>
1982	\$15,000	
1983	20,000	
1984	20,000	
1985	20,000	
1986	20,000	
1987	20,000	
1988	20,000	
1989	20,000	
1990	20,000	
1991	20,000	
1992	20,000	
1993	20,000	
1994	20,000	
1995	20,000	
1996	20,000	
1997	20,000	
1998	20,000	
1999	20,000	
2000		\$20,000

For the purpose of effecting said mandatory redemption the Trustee, on behalf of the City of Ft. Wayne and without necessity for further action by the City of Ft. Wayne or the Company, shall cause to be redeemed on each Mandatory Redemption Date such aggregate principal amount of the Bonds as equals the mandatory sinking fund requirements as provided for above in this Section 7 for the applicable Mandatory Redemption Date. Bonds called for redemption pursuant to the mandatory sinking fund redemption provisions hereof shall be called by lot in such manner as may be determined by the Trustee.

At its option, to be exercised on or before the forty-fifth day preceding any Mandatory Redemption Date, the City of Ft. Wayne, or the Company on behalf of the City of Ft. Wayne, may (a) deliver to the Trustee for cancellation Bonds in any aggregate principal amount, with, if coupon Bonds, all unmatured coupons attached, or (b) receive a credit against the current mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the City of Ft. Wayne under the preceding paragraph for any Bonds which prior to such date have been redeemed (other than through the operation of the mandatory sinking fund requirements provided for in this Section) or purchased for cancellation and cancelled by the Trustee and not theretofore applied as a credit against any mandatory sinking fund requirement (and corresponding mandatory

redemption obligation) under said preceding paragraph. Each Bond so delivered or previously redeemed or purchased for cancellation shall be credited by the Trustee at 100% of the principal amount thereof against the respective mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the City of Ft. Wayne on such Mandatory Redemption Date, and any excess of such amount shall be credited against future mandatory sinking fund requirements (and corresponding mandatory redemption obligations) in chronological order. The City of Ft. Wayne, or the Company on behalf of the Issuer, will on or before the forty-fifth day preceding each Mandatory Redemption Date furnish the Trustee with a certificate, signed by the Fiscal Officer, or by the Authorized Company Representative (each as defined in the Agreement), stating the extent to which the provisions of (a) and (b) of the first sentence of this paragraph are to be availed of with respect to such mandatory sinking fund requirement (and corresponding mandatory redemption obligation) for such Mandatory Redemption Date; unless such certificate is so timely furnished to the Trustee, such requirement and obligation provided for in the preceding paragraph shall not be reduced.

The City of Ft. Wayne hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts

sufficient in time and amount to pay the Bond service charges as the same become due and payable, and to this end the City of Ft. Wayne covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the City of Ft. Wayne shall cooperate fully with the Trustee to protect fully the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the City of Ft. Wayne to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The City of Ft. Wayne covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 8. As provided in Section 2.2(d) of the Agreement, Reserve Fund Payments (as defined in the Agreement) are to be paid by the Company directly to the Trustee for the account of the City of Ft. Wayne and deposited in the Debt

Service Reserve Fund (as hereinafter defined). There is hereby created by the City of Ft. Wayne and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Ft. Wayne - CSC Realty Debt Service Reserve Fund" (hereinafter called the "Debt Service Reserve Fund"). There shall be deposited or credited to the Debt Service Reserve Fund from the Reserve Fund Payments and from all other sources, including from income earned on the investment of moneys credited to the Debt Service Reserve Fund, amounts necessary to cause the principal sum on deposit therein to equal not more than \$56,250.00. If, at any time or from time to time, the principal amount on deposit in the Debt Service Reserve Fund is less than \$56,250.00, the Trustee shall invest the moneys in the Debt Service Reserve Fund in Eligible Investments (as defined in the Indenture) and shall accumulate such income in the Debt Service Reserve Fund and add such income to the principal thereof. At all times when the principal amount on deposit in the Debt Service Reserve Fund is equal to \$56,250.00, the Trustee shall credit all further income received from the investment thereof to the Bond Fund to pay Bond service charges on the next succeeding Interest Payment Date or Principal Payment Date. In no event shall the Trustee permit the principal amount on deposit in the Debt Service Reserve Fund to be more than \$56,250.00.

If on any Interest Payment Date or Principal Payment Date, the balance in the Bond Fund is insufficient to pay the required Bond service charges, then the Trustee shall immediately transfer from the Debt Service Reserve Fund to the Bond Fund an amount sufficient to make up such deficiency in the Bond Fund. With the approval of the Company, the Trustee may also make withdrawals from the Debt Service Reserve Fund to pay the fees and expenses of the Trustee. After any such transfer as aforesaid, the Trustee may again receive and credit Reserve Fund Payments to the Debt Service Reserve Fund until the principal amount thereof shall have again totaled \$56,250.00, provided, however, that the Trustee shall transfer from the Debt Service Reserve Fund to the Bond Fund for the final three installments of principal on the Project Bonds coming due pursuant to the mandatory sinking fund provisions set forth herein and in the Project Bonds, such amount as will reduce to zero the amount accumulated in the Debt Service Reserve Fund on the final maturity date of the Project Bonds.

Section 9. At the request of the Company and with the written consent of the Original Purchaser, if the Company is not then in default under the Agreement, the City of Ft. Wayne, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act (as defined in the Indenture), shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for:

(i) completion of the Project, including additional costs incurred in providing the Project, or (ii) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (iii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the site of the Project, or to be used in connection with other facilities located within the boundaries of the City of Ft. Wayne which are owned in whole or in part by the Company, or any combination thereof, or (iv) refunding the Bonds or any one or more series of Additional Bonds, or (v) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall, except to the extent issued for the purpose described in clause (iv), be used solely to pay permissible costs under the Act. Such Additional

Bonds shall be on a parity with the Bonds and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then

outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds.

Section 10. The City of Ft. Wayne will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Trustee, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code of 1954, as amended. The Mayor or any other officer having responsibility with respect to the issuance of the Bonds, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Common Council of the City of Ft. Wayne, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the City of Ft. Wayne, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c).

Section 11. The provisions of this Ordinance, the Agreement and the Indenture securing the Bonds shall constitute a contract binding between the City of Ft. Wayne and the Trustee, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such Trustee so long as any of the Bonds or the interest thereon remains unpaid.

Section 12. The actions of the Mayor or any other officer of the City in doing any and all acts necessary in connection with the construction and equipping of the Project and the issuance of the Bonds are hereby ratified and confirmed.

Section 13. The proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary in connection with the construction and equipping of the Project and the issuance of the Bonds.

Section 14. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 15. It is hereby found and determined that all official actions of this Common Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Common Council, and that all deliberations of this Common Council and of any of its committees, if any, that resulted in such official action were taken in meetings open to the public, in full compliance with applicable legal requirements, including I.C. 5-14-1.5-7.

Section 16. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian J. Schmidt
~~Presiding Officer~~
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D.. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-88-81 on the 14th day of April, 1981.

ATTEST:

(SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-27

SPECIAL ORDINANCE NO. S-89-81

AN ORDINANCE approving a certain bid document for purchase of glass sphere road beads for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 978 dated February 24, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Ferro Corporation, for 50,000 pounds of glass sphere road beads, at a total cost of \$10,433.00, all as more particularly set forth in said bid document reference number 978 and Purchase Order Number A-002273, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

N

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-89-81 on the 14th day of April, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-28

SPECIAL ORDINANCE NO. S-90-81

AN ORDINANCE approving a certain bid
document for purchase of "U" channel
sign posts for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 980 dated February 24, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Hall Signs, Inc., for the purchase of "U" channel sign posts at a total cost of \$16,860.00, all as more particularly set forth in said bid document reference number 980 and Purchase Order Number A-002274, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-90-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-29

SPECIAL ORDINANCE NO. S-91-81

AN ORDINANCE approving a certain bid document for purchase of reflective sheeting and traffic sign faces for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 977 dated February 24, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Minnesota Mining and Manufacturing Company for reflective sheeting, miscellaneous traffic signs and guides at a total approximate cost of \$12,000.00 all as more particularly set forth in said bid document reference number 977 and Purchase Order Number A002275, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-91-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BLL NO. S-81-03-32

SPECIAL ORDINANCE NO. S-92-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Industrial Development Revenue Bonds, Series 1981, Lynn & Carol J. Klopfenstein, Physician's Plaza, Inc., Roy L. & Lois M. McNett, Thomas R. & Jorene M. Heing, Melvin R. & Mary Ruth Arnold, Robert L. Meister, Stanley K. Bauer, Jeanann Bauer, & Karen K. Clifton, and M. Stuart Cavell & Steven F. Cavell, and approving other actions in respect thereto"

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project for the Covington Creek Professional Village Project regarding the financing of proposed economic development facilities for Lynn & Carol J. Klopfenstein, Physician's Plaza, Inc., Roy L. & Lois M. McNett, Thomas R. & Jorene M. Heiny, Melvin R. Mary Ruth Arnold, Robert L. Meister, Stanly K. Bauer, Jeanann Bauer & Karen K. Clifton, and M. Stuart Cavell and Steven F. Cavell, Purchasers of the facilities, and the Planning Commission has commented favorably thereon, and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980 and March 19, 1981, and also adopted a Resolution on March 19, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of the Purchasers listed above complies with the purposes and provision of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Bond Ordinance, Assignment of Loan Agreement, Mortgage, Offer to Purchase, Inducement Letter, Assignment of Rents and Leases and other matters relating thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreements approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the Purchasers of the facilities as listed above for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the bond payments of the Purchasers of the facilities as listed above under the Loan Agreement and Bond, and the securing of said bonds by the mortgaging of such facilities by the Purchaser of the facilities to the Lender under the Mortgage complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final form of the Loan Agreement, Bond Ordinance, Assignment of Loan Agreement, Mortgage, Offer to Purchase, Inducement Letter, Assignment of Rents and Leases and other related documentation approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Industrial Development Revenue Bonds, Series 1981 (Lynn & Carol J. Klopfenstein, Physicians Plaza, Inc., Roy L. & Lois M. McNett, Thomas R. & Jorene M. Heiny, Melvin R. & Mary Ruth Arnold, Robert L. Meister, Stanley K. Bauer, Jeanann Bauer & Karen K. Clifton, and M. Stuart Cavell & Steven F. Cavell) in the total principal amount of \$592,750.00, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Loan Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Purchasers of the facilities under the Loan Agreement and Bond or as otherwise provided in the above described Mortgage and related documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a non-default rate of interest per annum on the bonds not to exceed 12% per annum.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing Agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signature. The Clerk is authorized to arrange for delivery of such bonds to the Purchaser of the bonds, payment for which will be made to said Purchaser named in the Mortgage and Loan Agreement.

SECTION 6. The provisions of this Ordinance and Loan Agreement and Mortgage securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Industrial Development Revenue Bonds, Series 1981 (Lynn & Carol J. Klopfenstein, Physicians Plaza, Inc., Roy L. & Lois M. McNett, Thomas R. & Jorene M. Heiny, Melvin R. & Mary Ruth Arnold, Robert L. Meister, Stanley K. Bauer, Jeanann Bauer & Karen K. Clifton, and M. Stuart Cavell & Steven F. Cavell), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-92-81 on the 14th day of April, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-30 (AS AMENDED)

SPECIAL ORDINANCE NO. S-93-81

AN EMERGENCY ORDINANCE establishing
the position of a Coordinator of Public
Safety and changing the position of Chairman
of the Board of Public Safety from full
time to part time

WHEREAS, the authority and administrative responsibilities of the Board of Public Safety of the City of Fort Wayne, Indiana, encompass the police department, the fire department, the signal department, the traffic engineer, the emergency medical services, parking meters, adult crossing guards, taxi cab licensing and emergency traffic regulations; and

WHEREAS, it is necessary that the administration of said line departments and other line agencies be subject to continuous supervision and coordination so as to protect the health and safety of the citizens of the City by providing the best possible combination of efficiency and economy in the operations subject to the authority of the Board of Public Safety; and

WHEREAS, the Board of Public Safety has requested the creation of a position to be known as "Coordinator of Public Safety" for the purpose of implementing the policies of the Board in the operation of each of the aforesaid line departments and agencies; and

WHEREAS, it is vital to the health and safety of the citizens of the City that said position be filled by an individual with a professional background in the performance of duties subject to the jurisdiction of the Board of Public Safety; and

WHEREAS, the appointment of such Coordinator of Public Safety will permit the position of chairman of the Board of Public Safety to be changed from full time to part time.

WHEREAS, an emergency exists for the appointment of said Coordinator of Public Safety and for the changing of the position of Chairman of the Board of Public Safety from full time to part time.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby established and created the following new position in the Department of Board of Public Safety of the Civil City of Fort Wayne with salary and labor grades as shown, for the remainder of the year 1981 and the following position heretofore established and created is hereby terminated:

<u>NUMBERR OF POSITIONS</u>	<u>TITLE OF POSITIONS</u>	<u>LABOR GRADE</u>	<u>1981 SALARY</u>
<u>010-012 - BOARD OF PUBLIC SAFETY</u>			
New positions created:			
1	Coordinator of Public Safety	18	\$30,000.00
1	Chairman (Part Time)	U	\$ 5,000.00
Position terminated:			
1	Chairman (Full Time)	18	\$26,800.00

SECTION 2. That the said Coordinator of Public Safety may be appointed from those individuals presently holding command ranks in any of the aforesaid line departments and line agencies and that such individual may retain such position while serving as such Coordinator of Public Safety.

SECTION 3. That any salary the Coordinator of Public Safety received by virtue of a position in any of the aforesaid line departments or line agencies shall be included within the aforesaid salary so that the individuals total compensation shall not exceed \$30,000.00. Additional compensation shall be \$3561.64 for the remainder of the calendar year 1981, which shall be added to the individual's current salary. Duration of the position of Coordinator of Public Safety shall be until December 31, 1981.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: One
Burns

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-93-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-46 (AS AMENDED) 94-81
SPECIAL ORDINANCE NO. S-

AN ORDINANCE fixing the base salaries and monetary fringe benefits of policemen of the City of Fort Wayne, for the year 1981

1 WHEREAS, previously, the Common Council of the City
2 of Fort Wayne, adopted Special Ordinance No. S-156-78 that
3 provides for collective bargaining by and between the City
4 of Fort Wayne and bargaining units consisting of all police
5 officers of the City of Fort Wayne; and

6 WHEREAS, through the collective bargaining process,
7 including arbitration, the City of Fort Wayne and the
8 representative of the police officers of the City of Fort
9 Wayne have reached agreement on all monetary matters and issues
10 related thereto; and

11 WHEREAS, it is the desire of the City of Fort Wayne
12 that an Ordinance be adopted relative to said monetary issues
13 affecting all police officers of the City of Fort Wayne; and

14 WHEREAS, the law of the State of Indiana requires that
15 said monetary issues be approved, in Ordinance form, by the
16 Common Council of the City of Fort Wayne.

17 NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL
18 OF THE CITY OF FORT WAYNE, INDIANA:

19 SECTION 1. That this Ordinance shall and does apply
20 to all sworn police officers of the Fort Wayne Police
21 Department being regularly employed as police officers
22 (excluding individuals in Communication or Traffic Engineering).

23 SECTION 2. The base annual pay for the year 1981
24 (unless otherwise extended into additional years as hereinafter
25 provided) shall be as follows:

26 (a) Patrolmen who were patrolmen as of January 1, 1981,
27 shall receive a base annual pay of Seventeen Thousand
28 Seventy-Five and 00/100 Dollars (\$17,075.00) for the
29 year 1981. Said base pay shall be paid retroactive to
30 January 1, 1981, so that each patrolman entitled to the
31 base pay of Seventeen Thousand Seventy-Five and 00/100
32 Dollars (\$17,075.00) shall receive, in lump sum form,

1 a net check representing the difference between the
2 previous base pay of Fifteen Thousand Eight Hundred
3 Eleven and 00/100 Dollars (\$15,811.00) and the present
4 base pay of Seventeen Thousand Seventy-Five and 00/100
5 Dollars (\$17,075.00) computed on a per diem basis from
6 January 1, 1981, to date of payment.

7 (b) Patrolmen hired after January 1, 1981, shall receive an
8 annual base pay as follows:

9 (1) For the first year (365 calendar days), the
10 patrolmen's base pay shall be Eighty Percent (80%)
11 of the then existing base pay of a first class
12 patrolman;

13 (2) For the second year (365 calendar days), the
14 patrolmen's base pay shall be Ninety Percent (90%)
15 of the then existing base pay of a first class
16 patrolman;

17 (3) For the third year (365 calendar days), the
18 patrolmen's base pay shall be Ninety-Five Percent
19 (95%) of the then existing base pay of a first class
20 patrolman.

21 (c) The base annual pay of officers holding the rank of
 22 Sergeant shall be, for the year 1981, Eighteen Thousand
 23 Seven Hundred Eighty-Two and 50/100 Dollars (\$18,782.50).
 24 Said base pay shall be paid retroactive to January 1,
 25 1981, computed from January 1, 1981, to date of payment,
 26 on a per diem basis.

27 (d) The base annual pay of officers holding the rank of
 28 First Master Sergeant shall be, for the year 1981,
 29 Nineteen Thousand One Hundred Fifty-Eight and 15/100
 30 Dollars (\$19,158.15). Said base pay shall be paid
 31 retroactive to January 1, 1981, computed from January 1,
 32 1981, to date of payment, on a per diem basis.

(e) The base annual pay of officers holding the rank of
 1 Lieutenant shall be, for the year 1981, Nineteen Thousand
 2 Nine Hundred Eighty and 03/100 Dollars (\$19,980.03).
 3 Said base pay shall be paid retroactive to January 1, 1981,
 4 computed from January 1, 1981, to date of payment, on a
 5 per diem basis.

6 (f) The base annual pay of officers holding the rank of
 7 Captain shall be, for the year 1981, Twenty Thousand Nine
 8 Hundred Seventy-Nine and 03/100 Dollars (\$20,979.03).
 9 Said base pay shall be paid retroactive to January 1, 1981,
 10 computed from January 1, 1981, to date of payment, on a
 11 per diem basis.

12 The base annual pay figures herein established, in this Section
 13 2, shall be utilized for police pension purposes and no other
 14 monetary fringe benefits or remuneration referred to in this
 15 Ordinance shall be included as an addition to the base salary
 16 of any officer.

17 SECTION 3. As an incentive to attract trained and
 18 qualified personnel, in the future, an educational bonus shall
 19 be paid as follows:

20 (a) All officers who were officers as of January 1, 1981,
 21 and who have obtained a four year baccalaureate degree
 22 by January 1, 1981, shall receive a bonus of Nine Hundred
 23 and 00/100 Dollars (\$900.00) per year added to their
 24 regular earnings.

25 (b) All officers who were officers as of January 1, 1981,
 26 and who, by January 1, 1981, had obtained a two year
 27 associate degree shall receive a bonus of Four Hundred
 28 Fifty and 00/100 Dollars (\$450.00) per year added to
 29 their regular earnings.

30 (c) All officers hired after January 1, 1981, shall receive
 31 no educational bonus whatsoever until three years of
 32 service with the department is completed, and then only

1 upon the obtaining of a four year baccalaureate degree in
2 law enforcement.

3 The maximum any officer can receive under this Section 3 shall
4 be the sum of Nine Hundred and 00/100 Dollars (\$900.00).

5 Furthermore, officers who were officers as of January 1, 1981,
6 and who obtained, by that date, a two year associate degree,
7 will be eligible to receive the Nine Hundred and 00/100
8 Dollar (\$900.00) yearly bonus only upon obtaining a four year
9 baccalaureate degree in law enforcement.

10 In addition, any provisions of Special Ordinance No. S-81-80
11 (known as Bill No. S-80-07-22) that conflict with Section 3 of
12 this Ordinance is hereby repealed, and accordingly, amended
13 to conform with the provisions of this Section 3 of this
14 Ordinance.

15 *off duty*
SECTION 4. Any officer who is required to attend, by
16 subpoena, and does so attend, court for a criminal matter or
17 a civil matter related to his or her law enforcement duties
18 shall receive, for each hour that he or she is required to
19 be in court and actually is in court, one and one-half times
20 his or her normal hourly rate computed on his or her base
21 annual rate only. In addition thereto, each *off duty* officer who is
22 required to attend, by subpoena, and does so attend, court
23 for a criminal matter or a civil matter related to his or her
24 law enforcement duties shall receive one hour of straight
25 time pay (computed on the annual base only) for each such
26 court appearance.

27 SECTION 5. Each officer shall receive Five Hundred
28 and 00/100 Dollars (\$500.00) per year as a uniform allowance.

29 SECTION 6. The appropriate shift payments will be
30 paid as follows:

31 (a) Officers who were officers as of January 1, 1981, and
32 who are assigned to "B" shift, or any shift beginning

1 between 12:00 noon and 3:00 p.m., shall have added to
2 their regular determined earnings Seven Hundred and
3 00/100 Dollars (\$700.00) for such pay period.

4 (b) Officers who were officers as of January 1, 1981, and
5 who are assigned to "C" shift, or any shift beginning
6 between 9:00 p.m. and 12:00 midnight, shall have added
7 to their regular determined earnings One Thousand Four
8 Hundred and 00/100 Dollars (\$1,400.00) for such pay period.

9 (c) Officers hired after January 1, 1981, shall not receive
10 the shift payments referred to in Sub-Paragraphs (a)
11 and (b) above for the first three years of their service.

12 SECTION 7. The compensations herein referred to shall
13 be the total compensations paid to any particular officer,
14 and no officer shall receive more compensation, including
15 bonus payments and the like, other than that which is provided
16 for in this Ordinance, notwithstanding any other Ordinance or
17 Agreement to the contrary.

18 SECTION 8. The annual base pay of officers hired after
 19 January 1, 1981, of 80%, 90% and 95% of the then existing
 20 annual base pay for regular first class patrolmen, and the
 21 waiting periods and other provisions relative to educational
 22 bonus and shift pay, for officers hired after January 1, 1981,
 23 shall be effective past the year 1981 and shall be followed
 24 regardless of the year in question, unless the establishment
 25 of same is specifically repealed by the Common Council of the
 26 City of Fort Wayne.

27 SECTION 9. The City of Fort Wayne deems it to be in
 28 the best interests of the City of Fort Wayne, and its citizens,
 29 to establish the bonus and incentive payments referred to in
 30 this Ordinance. However, same are not to be construed, in
 31 any event, and notwithstanding any language herein to the
 32 contrary, as an addition to the base salary of any officer,
 within the meaning of Burns Indiana Statutes Annotated Section

1 48-6403. For all purposes, and as stated herein, the annual
 2 base pay figures for officers shall be considered to include only
 3 the annual base pay figures as referred to in Section 2 of this
 4 Ordinance.

5 SECTION 10. That from and after the adoption of this
 6 Ordinance, as required by law, the individual referred to
 7 herein shall be paid according to this Ordinance, subject to
 8 budgetary provisions.

9 SECTION 11. If any section, clause, sentence, paragraph,
 10 part or provision of this Ordinance shall be held invalid, it
 11 shall be conclusively presumed that this Ordinance would have
 12 been passed by the Common Council without such invalid section,
 13 clause, sentence, paragraph, part or provision.

14 SECTION 12. This Ordinance shall be in full force and
 15 effect from and after its passage and approval by the Mayor.

16
 17 Vivian G. Schmidt
 18 COUNCILMAN

Read the third time in full and on motion by V. Schmidt, seconded by
 Stier and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Six
 Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg,
 Talarico

Nays: Three
 Burns, D. Schmidt, Stier

Date: 4-14-81 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as Special Ordinance No. S-94-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
 the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour
 of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-81-03-47

SPECIAL ORDINANCE NO. S-95-81

AN ORDINANCE authorizing the City of Fort Wayne
to charge for emergency and non-emergency
ambulance services provided by the City of
Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne presently subsidizes ambulance service in the approximate amount of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) per year; and

WHEREAS, the improved and expanded Advanced Life Support system will cost in excess of One Million Three Hundred Thousand and 00/100 Dollars (\$1,300,000.00) per year to operate; and

WHEREAS, expansion of such services to areas beyond the corporate city limits of the City of Fort Wayne, Indiana will exceed the annual operations budget by an additional several hundred thousand dollars; and

WHEREAS, the financing of services must be conducted in a manner which will avoid city subsidization for services rendered outside the corporate city limits of the City of Fort Wayne, Indiana; and

WHEREAS, the Common Council and the City of Fort Wayne desire that the cost of the Advanced Life Support services provided by the City of Fort Wayne be borne, to the greatest extent possible, by public and private third party insurance programs (e.g. Medicare, Medicaid, and private insurance companies); and

WHEREAS, the City of Fort Wayne desires authorization to charge for the providing, by the City of Fort Wayne, of emergency and non-emergency ambulance services.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby authorized to charge as follows for emergency and non-emergency ambulance services provided by the City of Fort Wayne:

- (a) A base rate of One Hundred Twenty and 00/100 Dollars (\$120.00) per emergency service and transport run;
- (b) A base rate of Sixty and 00/100 Dollars (\$60.00) per non-emergency service and transport run;
- (c) In addition to the base rates established for emergency and non-emergency service and transport runs, authority is given for reasonable charges for use of special equipment, waiting time, and special items of service provided in the normal conduct and use of the Advanced Life Support system.

SECTION 2. All monies paid pursuant to the authorization herein given shall be paid to and insure to the benefits of the General Fund.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schombuarg, Stier, Talarico

Nays: One

Burns

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-95-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-48

SPECIAL ORDINANCE NO. S-96-81

AN ORDINANCE establishing authority for the
City of Fort Wayne to pay for consulting services
relative to the Emergency Medical Services
Department of the City of Fort Wayne

WHEREAS, the City of Fort Wayne is presently reviewing its existing Emergency Medical Services; and

WHEREAS, it is the desire of the City of Fort Wayne that such a review be engaged in to assure that the most cost-effective means available be utilized for achieving stable and reliable Advanced Life Support services to be rendered to the citizens of the Fort Wayne, Indiana area; and

WHEREAS, to accomplish the above, the City of Fort Wayne is in need of a cash flow pro forma to govern scheduling to affordability of capital improvements and increased production capacity to insure the financial stability of the expanding Advanced Life Support services, while stabilizing or reducing City subsidies; and

WHEREAS, the City of Fort Wayne is desirous of obtaining the expert services of the consulting firm known as The 4th Party, Inc., of Kansas City, Missouri, to provide said pro forma.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby authorized to pay to the consulting firm known as The 4th Party, Inc. the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) in return for the completion and presentation of a cash flow pro forma which will be financially detailed and which will provided month by month projections of income and expenses for a period of two years and general annual projections for three years thereafter relative to the governing and scheduling of affordability of capital improvements and increased production capacity to insure financial stability of the expanding Advanced Life Support services.

SECTION 2. That said consulting firm known as The 4th Party, Inc., for the cash flow pro forma herein referred to, shall be paid according to this Ordinance, subject to all appropriate budgetary provisions.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-96-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-49

SPECIAL ORDINANCE NO. S-97-81

AN ORDINANCE establishing payment authority for a temporary data collection and reporting system, initial automated analysis of data, and technical assistance in the development of an initial system status plan for the Advanced Life Support system of the City of Fort Wayne

WHEREAS, the City of Fort Wayne intends to effect the development of an expanded and more sophisticated and effective Advanced Life Support system for the citizens of the Fort Wayne, Indiana area based upon the Public Utility Model; and

WHEREAS, such system shall become increasingly "user" financed and decreasingly dependent upon local tax sources; and

WHEREAS, the City of Fort Wayne intends to obtain, in the future, on a long-term basis various services from the consulting firm known as The 4th Party, Inc., of Kansas City, Missouri, which firm originally developed and installed said Public Utility Model in other communities; and

WHEREAS, such long-term services shall include technical assistance, facilities management of data, billing and collection services, and other technical services; and

WHEREAS, at this present time it is the desire and need of the City of Fort Wayne to obtain authorization for payment to The 4th Party, Inc. to develop and install a temporary data system, to perform automated analysis of historical demand patterns in the Fort Wayne, area, and to assist with the development of the initial systems status plan; and

WHEREAS, the current absence of billing authorization, systems, and procedures results in a loss of potential revenues estimated to be in excess of Two Thousand and 00/100 Dollars (\$2,000.00) per day, and such revenues are essential to the financial stability of an expanding and improved Advanced Life Support system, which will serve the Fort Wayne, Indiana area.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne, Indiana, subject to this Ordinance is hereby authorized to pay the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) to the consulting firm known as

The 4th Party, Inc., and in exchange therefore, The 4th Party, Inc. will: Develop and install a temporary data system, perform automated analysis of historical demand patterns in the Fort Wayne, Indiana area, and will assist with the development of the initial systems status plan all relative to an expanding and improved Advanced Life Support system for the Fort Wayne, Indiana area.

SECTION 2. That The 4th Party, Inc. shall be paid the sum herein referred to for the services herein described, according to this Ordinance, and subject to all appropriate budetary provisions.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Burns

Date: 4-14-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-97-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-44

RESOLUTION NO. R-30-81

AMENDMENT OF A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,200,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the construction and equipping of the Project

WHEREAS, the Common Council of the City of Fort Wayne on September 8, 1980 passed Resolution No. R-66-80 ratifying and confirming the issuance of economic development revenue bonds in the amount of approximately \$1,200,000.00 by the City of Fort Wayne, the proceeds of which will be used by the Young Men's Christian Association of Greater Fort Wayne and Allen County for construction of facilities described therein, ("Project"); and

WHEREAS, the actual costs of construction are higher than anticipated per bids now received from contractors and the Fort Wayne Economic Development Commission at its regularly scheduled meeting held March 19, 1981 has amended its resolution to increase the issue by the sum of \$100,000.00 to approximately \$1,300,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. That the Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$1,300,000.00 of the Issuer under the Act to construct and equip the Projects, will serve the public purposes referred to above, in accordance with the Act, and that Resolution No. R6680 be amended accordingly; and that the sum of approximately \$1,200,000.00 be increased to approximately \$1,300,000.00.

2. That all other aspects of said Resolution No. R6680 are hereby ratified and confirmed.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-30-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-03-51

RESOLUTION NO. R-31-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$1,700,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Wise Business Forms, Inc., to proceed with acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Wise Business Forms, Inc. (the "Applicant") proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 30,000 square foot office warehouse and manufacturing facility for the manufacture and sale of printed products located at the intersection of Merchant Drive

and Commodity Drive in Edgewood Industrial Park, Fort Wayne, Indiana (the "Project"); and

WHEREAS, an increase in approximately 27 job opportunities with a total payroll of \$465,000.00 will be achieved at the end of an eighteen month period by the acquisition, construction and equipping of the Project; and

WHEREAS, the diversification of industry and increase in job opportunities created by the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, It would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,700,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolution and authorize the the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project. and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-31-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-02-09

ZONING MAP ORDINANCE NO. Z-10-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an Historic Preservation District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. L-6, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

The West 35 feet of Lot Number One (1), all of Lot Number Two (2) and the East 10 feet of Lot Number Three (3), all in McCulloch's Homestead Addition to the City of Fort Wayne.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Burns

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Mpa Ordinance No. Z-10-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-02-46 (as amended)

ZONING ORDINANCE NO. Z-11-81

AN ORDINANCE to amend Zoning Ordinance
No. Z-33-80 to correct a scrivener's
error amending the City of Fort Wayne
Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. S10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots 3 & 4 in Curdes Homewood Acres Addition
to the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-11-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-02-47

ZONING MAP ORDINANCE NO. Z-12-81

AN ORDINANCE amending the City
of Fort Wayne Zoning Map No. M-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. M34, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Part of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing on the West right-of-way line of U. S. Highway No. 27, Project 4 Ind 69-4 (3) 109 1959, as situated 100 feet West of the centerline of said Highway, said centerline being also defined as the East line of the said Quarter Section, at a point 575 feet South of the centerline of the Washington Center Road, said centerline being also defined as the North line of said Quarter Section; thence South on the said right-of-way line of U.S. Highway No. 27, a distance of 175 feet; thence West on a line parallel to the North line of said Quarter Section, a distance of 200 feet; thence North on a line parallel to the East line of said Quarter Section, a distance of 175 feet; thence East on a line parallel to the North line of said Quarter Section a distance of 200 feet to the point of beginning; containing 0.803 acres.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinat, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-12-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-02-10

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. 0-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-23, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

The West 12 feet of Lot #3 and all of
Lots #4, #5 and #6 in Sylvan Park Addition
Section A, to the City of Fort Wayne,
Allen County, Indiana

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinat, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: One

Burns

Nays: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 4-14-81

Charles W. Westerman
City Clerk

BILL NO. G-81-01-23

GENERAL ORDINANCE NO. G-05-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of Wildwood Avenue

WHEREAS, (1) a petition to vacate a portion of Wildwood Avenue (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, ths body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

A part of Wildwood Avenue as the same exists between South Wayne Avenue and Fairfield Avenue in the City of Fort Wayne, being further the 500 and 600 blocks of Wildwood Avenue, and in dimensions, 593.4 feet long and 50 feet wide.

An alley extending southward from Wildwood Avenue in the City of Fort Wayne and lying east and contiguous to Lot 99 in Ninde's Addition (according to the recorded Plat thereof), being 158.33 feet long, from the South edge of Wildwood Avenue and said alley being 10 feet wide.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 1817-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-05-81 on the 14th day of April, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-39

SPECIAL ORDINANCE NO. S-98-81

AN ORDINANCE approving Civil City Purchase
order No. A-000557 with Indiana Equipment
Company, Inc. for a paver for the Street
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A000557 dated March 2, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Indiana Equipment Company, Inc. for the purchase of one asphalt paver to be used in the Street Department, at a cost of \$31,597.50, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-98-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-40

SPECIAL ORDINANCE NO. S-99-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-007796 with Jim
Kelley Leasing, Inc. for one vehicle
for the WPC Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A007796 dated March 9, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Jim Kelley Leasing, Inc. for:

one vehicle, four wheel drive
for the WPC Engineering Department,

at a cost of \$3,592.10, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, NuckoIs, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-99-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John NuckoIs
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-03-41

SPECIAL ORDINANCE NO. S-100-81

AN ORDINANCE approving a contract for
Street Lighting Improvement Resolution
No. 149-80, between the City of Fort
Wayne, Indiana and the Weikel Line Co.,
Inc., Contractor, for underground wiring

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 25, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and the Weikel Line Co.,

Inc., Contractor, for:

installation of underground wiring
system in the Village Woods Area
to furnish the area with ornamental
lighting,

under Board of Public Works Street Lighting Improvement Resolution No. 14980, at a total cost of \$73,086.00 all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-100-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-02-51

ANNEXATION ORDINANCE NO. X-02-81

AN ORDINANCE annexing certain territory
commonly known as Centennial Townhouse
Apartments to Fort Wayne, and including
the same in Councilmanic District No. 6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

A parcel of land located in the Northwest OneQuarter of Section 31, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the center of Section 31, Township 30 North, Range 13 East; thence North along the NorthSouth centerline of Section 31 a distance of 443.0 feet to the point of beginning. BEGINNING at the above described point; thence continuing North along said North-South centerline a distance of 887.0 feet to the South line of the Northeast One-Quarter of the Northwest One-Quarter a distance thence West along the South line of the Northeast One-Quarter of the Northwest One-Quarter a distance

of 339.33 feet; thence South a distance of 870.8 feet; thence South 87 degrees - 16' East a distance of 339.72 feet to the point of beginning, containing 6.85 acres of land more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to area within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 6 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt,
Schomburg, Talrico
Nays: One
Stier

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-02-52

RESOLUTION NO. R-32-81

A RESOLUTION of the Common Council
setting forth the policy of the City in regard
to the annexation of the Centennial
Townhouse Apartments

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City includint newly annexed areas; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Centennial Townhouse Apartments annexation area, more specifically described, to-wit:

A parcel of land located in the Northwest One-Quarter of Section 31, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the center of Section 31, Township 30 North Range 13 East; thence North along the North-South centerline of Section 31 a distance of 443.0 feet to the point of beginning BEGINNING at the above described point; thence continuing North along said North-South centerline a distance of 887.0 feet to the South line of the Northeast One-Quarter of the Northwest One-Quarter of Section 31; thence West along the South line of the Northeast One-Quarter of the Northwest One-Quarter a distance of 339.33 feet; thence South a distance of 870.8 feet; thence South 87 degrees 16' East a distance of 339.72 feet to the point of beginning, containing 6.85 acres of land more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Centennial Townhouse Apartments annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of non-capital and capital services to the annexation area.
2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.
3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.
4. Said plan is hereby approved and adopted by the Common Council and shall be in full force upon the effective date of Centennial Townhouse Apartments annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: ONE

Stier

Date: 4-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-32-81 on the 14th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of April, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-01

SPECIAL ORDINANCE NO. S-102-81

AN ORDINANCE approving a certain bid
document for air masks and air cylinders
for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 981 dated March 2, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Hoosier Fire Equipment, Inc. for 17 Scott Air Masks and 24 Scott Air Cylinders at a total approximate cost of \$15,082.00, all as more particularly set forth in said bid document reference number 981 and Purchase Order Number 3039, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-102-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-02

SPECIAL ORDINANCE NO. S-103-81

AN ORDINANCE approving an Agreement to
purchase Real Estate from Housing &
Urban Development for Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated March 23, 1981, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and Housing & Urban Development, for:

Woodland View Addition, Block #3,
Lot #7,

for the total cost of \$4,410.00, all as more particularly set forth in said Agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-103-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-04 (AS AMENDED)

SPECIAL ORDINANCE NO. S-104-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development Revenue Note (Ryder Truck Lines, Inc. Project)" and approving other actions in respect thereto

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of Ryder Truck Lines, Inc. ("applicant") regarding the financing of proposed economic development facilities consisting of a truck terminal, office and garage building, other improvements and equipment to be erected on a 15.03 acre site on Coliseum Boulevard, West, in Washington Township, Allen County, Indiana, and the County Plan Commission has commented favorably thereon, and

WHEREAS, the Allen County Council has authorized and consented to the establishment and financing of this Project; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 19, 1981 and also adopted a RESolution on said date, which Resolution was amended by the Commission at a public hearing on April 9, 1981 and, as so amended, has been transmitted hereto, finding that the financing of certain economic development facilities as described in the Resolution

complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including the Loan Agreement (including the form of Note attached as an exhibit thereto), Installment Sale Agreement, Assignment and Mortgage.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Installment Sale Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the City's revenue note, the application of the proceeds of the revenue note to the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue note under the Loan Agreement and the securing of said note by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Note (Ryder Truck Lines, Inc. Project) (the "Note") to The Chase Manhattan Bank, N.A., in a principal amount not to exceed \$1,855,000 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the Installment Sale Agreement incorporated herein by reference which Note will be payable as to principal, premium, if any, and interest from the payments made by the Applicant under the Installment Sale Agreement. The Note shall never constitute a general obligation of, and indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such Note to the purchaser thereof, to bear interest at a rate per annum as provided therein, at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents referred to herein on behalf of the City, including the Note authorized herein, in substantially the form approved hereby, with such modifications thereto as they may approve with the advice of counsel, the execution of such documents to be conclusive evidence of such approval, and any other document which may be necessary or desirable to consummate the transaction. The Clerk is authorized to arrange for delivery of such Note to the purchaser named in the Loan Agreement, against payment therefor as provided for in the Loan Agreement. Reference in this Ordinance to the Clerk shall in his absence include the Deputy Clerk. The signature of the Clerk on the note may be a facsimile signature.

SECTION 6. The provision of this Ordinance and the financing documents securing the Note shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Note (Ryder Truck Lines, Inc. Project), and after issuance of said Note, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Note or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuc.kols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-104-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. S-81-04-05

SPECIAL ORDINANCE NO. S-105-81

AN ORDINANCE authorizing the sale and conveyance of title to certain real estate owned by the City in Baer Field Municipal Airport to Baer Field Building Corporation in connection with the Air Wisconsin Hangar/Office Building Project

WHEREAS, the City owns the following described real estate, which is a tract of land in Baer Field, the Fort Wayne Municipal Airport, to-wit:

A part of the Southwest Quarter of SEction 8, Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point which is a distance of 40 feet South of the North Line of the Southwest Quarter of Section 8, Township 29 North, Range 12 East, and 209 feet West of the Northeast Corner of the Southwest Quarter of Said Section 8, which point is also on the South Line of Baer Field Perimeter Road; thence North 89 degrees 25 minutes West along the Said South Line a distance of 450 feet; thence South 0 degrees 35 minutes West, a distance of 450 feet; thence South 89 degrees, 25 minutes East, a distance of 450 feet; thence North 0 degrees 35 minutes East, a distance of 450 feet to the point of beginning; containing 4.65 acres, more or less.

WHEREAS, the City is committed to endeavoring to see that the people of the City and visitors to the City have adequate air service to and from the city; and

WHEREAS, Air Wisconsin airlines, which has begun to serve the City, can further improve and stabilize its service to Fort Wayne by locating its central maintenance terminal at Fort Wayne, which it is expected to do when appropriate facilities are available for such purpose; and

WHEREAS, the City has determined that it can and should provide such facilities to Air Wisconsin by way of a hangar/office building to be built at Baer Field and leased to Air Wisconsin; and

WHEREAS, to provide a means of financing such project a not-for-profit corporation, called "Baer Field Building Corporation" has been created which will: (1) issue revenue bonds to provide the necessary financing; (2) construct the hangar/office building needed by Air Wisconsin on land in Baer Field provided by the City; and (3) lease the land and building to the City, which will, in turn, sub-lease the same to Air Wisconsin; and

WHEREAS, the City has, with the prior approval of this body, initiated proceedings under the 1974 Indiana Leasing Property Act (I.C. 18-5-3.3-1 thru 11) to accomplish the foregoing, including obtaining an appraisal of the fair market value of the Baer Field tract of property selected

for such purpose (above described) by three (3) appraisers duly appointed by the Allen Circuit Court pursuant to I.C. 18-5-3.3-8, who have reported to said Court that they determined the fair market value of said tract to be Forty Six Thousand Five Hundred (\$46,500.00) Dollars; and

WHEREAS, it is now necessary and appropriate that the City sell and transfer the above described land to Baer Field Building Corporation in fee simple, for \$46,500.00 cash as authorized and required by I.C. 18-5-3.3-8.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sale and transfer by the City to Baer Field Building Corporation, in fee simple, of the above described land in Baer Field Municipal Airport, for the sum of Forty Six Thousand Five Hundred (\$46,500.00) Dollars cash, payable on delivery of the City's deed, is hereby authorized and approved.

SECTION 2. That the Mayor of the City of Fort Wayne, Indiana, is hereby authorized and directed to execute a warranty deed for said property, on behalf of the City, upon such terms and conditions as are deemed necessary or advisable in the interests of the City, to Baer Field Building Corporation as Grantee.

SECTION 3. That the City Clerk of the City of Fort Wayne, Indiana, is hereby authorized and directed to append the Seal of the City of Fort Wayne, Indiana, to such deed and to attest such seal and the signature of the Mayor.

SECTION 4. Upon the due execution of said deed as aforesaid, the Mayor is further authorized and directed to deliver the same to the appropriate officer or agent of Baer Field Building Corporation in concurrent exchange for payment to the City by said Grantee of the sum of \$46,500.00 cash.

SECTION 5. This Ordinance shall be and constitute sufficient authority for the Mayor and City Clerk of the City of Fort Wayne, Indiana, to do and perform all things and acts and execute all instruments incidental to the execution and delivery of such deed and to the sale and transfer of title to such property to said Grantee.

SECTION 6. The proceeds of such sale shall be deposited in the Aviation fund of the City of Fort Wayne, Indiana.

SECTION 7. This Ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-105-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-06

SPECIAL ORDINANCE NO. S-106-81

AN EMERGENCY ORDINANCE establishing the
position of Special Counsel to the Mayor

WHEREAS, the administrative responsibilities of the Law Department of the City of Fort Wayne, Indiana, extend to representation of the City in all legal matters affecting the interests of the City; and

WHEREAS, said Department provides legal advice to each of the executive departments and agencies of the City, represents the City in negotiations with other parties and represents the City in all matters of controversy in the courts and before administrative agencies; and

WHEREAS, the daily volume of legal matters affecting the City has continuously and substantially increased in the recent past; and

WHEREAS, it is essential that the functions of said Department be performed expeditiously and efficiently; and

WHEREAS, it is essential that the Mayor of the City be provided legal advice on an expeditious and continuing basis and that he be enabled to assign Counsel to such special matters as, in his opinion, dictate such Special Counsel; and

WHEREAS, an emergency exists in the staffing of said Department and the providing of Counsel on special matters, which have not been provided for; and

WHEREAS, the Mayor, pursuant to Indiana Code 18-2-1-9, has the power and authority in such emergency to provide for the appointment of additional personnel and fix the salaries subject to the approval of the Common Council; and

WHEREAS, the Mayor has recommended the creation of a new position in the Law Department to meet said emergency and the deletion of an existing position and it is the sense of this Body that such changes will improve the efficiency and administration of local government in the City of Fort Wayne.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby established and created the following new position in the Law Department of the Civil City of Fort Wayne, Indiana, with salary and labor grade as shown, for the remainder of the year 1981;

<u>NUMBER OF POSITIONS</u>	<u>TITLE OF POSITION</u>	<u>LABOR GRADE</u>	<u>1981 SALARY</u>
<u>LAW DEPARTMENT</u>			
New position created:			
1	Special Counsel to the Mayor	U	\$21,000.
Position deleted:			
2	Associate City Attorney	U	\$12,796.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, Schomburg, Stier, Talarico
Nays: One
D. Schmidt
Abstained: One
Burns
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-106-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-08

RESOLUTION NO. R-33-81

A RESOLUTION finding, determining and ratifying
an Inducement Resolution of the Fort Wayne
Economic Development Commission authorizing
the issuance and sale of \$600,000.00 Economic
Revenue Bonds of the Ctiy of Fort Wayne,
Indiana, for the purpose of inducing the Applicant,
Mark Douglas, Inc. to proceed with the
acquisition, construction and equipping of the
Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Mark Douglas, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be the construction of a building, parking lot and related facilities for a funeral home at 4017 Maplecrest Road, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 14 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of

the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$600,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-33-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-09

RESOLUTION NO. R-34-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$2,250,000.00 Economic Revenue Bonds of City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Realamerica Homes, Inc. to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Realamerica Homes, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a warehouse - office project consisting of 60,000 square feet located on Ley Road, Washington Township, in Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 35 job opportunities to be achieved by the acquisition, construction, and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,250,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-34-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-10

RESOLUTION NO. R-35-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$3,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Fort Wayne Museum of Art, Inc. and Fort Wayne Fine Arts Foundation, Inc. to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Fort Wayne Museum of Art, Inc. and Fort Wayne Fine Arts Foundation, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to be a building, equipment and related facilities for a museum of art at the Northwest corner of Main and Lafayette Streets, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 4 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$3,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the

Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, STier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-35-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-11

RESOLUTION NO. R-36-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$550,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, The B.F. Goodrich Company to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the

funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, The B.F. Goodrich Company (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a retail center for the sale and service of automotive equipment to be located at 3910 Coldwater Road, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 10 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, the diversification of industry and an increase in approximately 10 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$550,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-36-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-03-50

GENERAL ORDINANCE NO. G-06-81

AN ORDINANCE amending Section 18-24

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 18 of the code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B-8 which shall read as follows, to-wit:

Remedy Noise Source

Within seven (7) days, the person shall repair or remedy the source of the excessive noise from the vehicle and have the vehicle checked by a noise pollution police officer. If the vehicle is being sold, the noise source must first be corrected.

SECTION 2. That Section 18-24-B-8 Severability should be renumbered to Section 18-24-B-9.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talaric o

Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-06-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Mayor

BILL NO. G-81-04-13

GENERAL ORDINANCE NO. G-07-81

AN ORDINANCE amending Section 19-9 of the Code of the City of Fort Wayne, Indiana of 1974 by delegating to the Board of Park Commisioners the power to determine license fees for vendors in Parks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 19-9(c) of Chapter 19 of the Code of the City of Fort Wayne, Indiana of 1974, is amended to be and read as follows:

19-9(c):

The fees for a yearly vending license for each motorized vending vehicle, trailer or stand, (defined as a temporary structure, tent, table, or group of tables at single location), for each non-motorized vending vehicle, and for a one-day vending license, to cover a special event, shall be established by the Board of Park Commissioners, subject to ratification by resolution of the City Council. Said fees may provide exemptions for not-for-profit, charitable or religious organizations.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-07-81 on the 28th day of April, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-15

SPECIAL ORDINANCE NO. S-107-81

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5896-81 between the City of Fort Wayne, Indiana, and Rieth-Riley Construction Company, inc. Contractor for street repairs

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 2, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Company, Inc., Contractor for:

curb and sidewalks where needed on both
sides of Creighton Avenue east of Hanna
Street to west of Gay Street,

under Board of Public Works Street Improvement Resolution No. 5896-81, at a total cost of \$45,767.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
V. Schmidt

Date: 4-28-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-107-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-16

SPECIAL ORDINANCE NO. S-108-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-007990 with
American International Rent-A-Car
for vehicles for Technical Services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-007990, dated March 23, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and American International Rent-A-Car, for:

the lease of six sedans to be used
by the Technical Services Department
for the Spy Run, North Maumee and
Junk Ditch study areas,

at a cost of \$30,669.66, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-108-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-17

SPECIAL ORDINANCE NO. S-109-81

AN ORDINANCE approving Civil City
Purchase Order No. 4-09480 with
The Treaty Company for fire hydrants
for the Water Maintenance and Service
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-09480 dated March 20, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and The Treaty Company, for the purchase of 200 fire hydrants to be used by the Water Maintenance and Service Department, at a cost of \$91,358.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-109-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11: 30 o'clock A.M.,E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2: 00 o'clock P.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-18

SPECIAL ORDINANCE NO. S-110-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-007989 with American
International Rent-A-Car for lease of three
sedans for the Water Pollution Control
Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A007989, dated March 23, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and american International Rent-A-Car, for:

the lease of three sedans for the
Water Pollution Control Engineering
Department,

at a cost of \$15,334.83, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, STier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-110-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-19

SPECIAL ORDINANCE NO. S-111-81

AN ORDINANCE approving City Utilities
Purchase Order Nos. A-007991 and A-007992
with Midwest Video Company and Video
Media Corporation, respectively, for
video tape documentation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase No. A007991 dated March 24, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Midwest Video Company and City Utilities Purchase No. A-007992 dated March 24, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Video Media Corporation, for:

the video tape documentation for the WPC Engineering Department. This is the second phase of the bid. The color audio-video tap documentation for the North Maumee study area is to be completed by Video Media Corporation. The audio-video tape documentation for the Junk Ditch study area is to be completed by Midwest Video Company,

at a cost of \$15,081.24, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-111-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-20

SPECIAL ORDINANCE NO. S-112-81

AN ORDINANCE approving a contract for
Street Lighting Improvement Resolution
No. 150-81 between the City of
Fort Wayne, Indiana and Biggs Electric
Construction, Inc. for installation of street lights

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated March 24, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Biggs Electric Construction, Inc. for:

the installation of street lights in the Northwest Central Phase V Impact Area, more identified as Fourth Street from Wells Street to Harrison; Fifth Street from Wells to Harrison; Sixth Street from Wells to Harrison, and Cass Street from Putnam Street to Second Street,

under Board of Public Works Street Lighting Improvement Resolution No. 150-81, at a total cost of \$14,885.15, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-112-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-21

SPECIAL ORDINANCE NO. S-113-81

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 310-80
Phase 1, between the City of Fort Wayne,
Indiana and Rocco Ferrera and Company, Inc.,
Contractor for installation of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 7, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rocco Ferrera and Company, Inc., Contractor for:

the construction of an 84 inch sewer
which will eliminate an existing pump
station,

under Board of Public Works Sewer Improvement Resolution No. 310-80, Phase 1, at a total cost of \$3,059,065.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-113-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hor of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-22

SPECIAL ORDINANCE NO. S-114-81

AN ORDINANCE approving Addendum
Number 2 in connection with the
Combined Sewer Overflow for the
City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Addendum Number 2 to Reid, Quebe, Allison, Wilcox & Associates, Inc. in connection with the Combined Sewer Overflow, for:

the preparation of the Combined Sewer Overflow for the City which is a prerequisite to obtaining federal funding for the Lakeside Project. Due to circumstances beyond the control of the Engineer and the City the services to be provided under the Agreement cannot be completed within the time allowed. The Engineers have not been able to calibrate the models due to the lack of rainfall,

in the amount of \$47,461.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 4-28-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-114-81 on the 28th day of April, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 30th day of April, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-26

SPECIAL ORDINANCE NO. S-115-81

AN ORDINANCE approving a Contract between the City of Fort Wayne, Indiana and Inbalco, Inc. and its operating subsidiaries, Diversified Utilities, Inc., Puritan Utilities, Inc. and Maplewood Park Utilities, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain Contract dated 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Inbalco, Inc. and its operating subsidiaries, Diversified Utilities, Inc., Puritan Utilities, Inc. and Maplewood Park Utilities, Inc. for:

Adams Township the purchase of all of the fixed assets and property owned by these Utilities, South and East of the St. Joe River in St. Joe Township *and Adams Township* which includes water lines, sewers, pump and lift stations, sewage treatment plant, water tower and real estate,

at a total cost of \$3,700,000.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 5-5-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-115-81 on the 5th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 6th day of May, 1981, at the hour of 9:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 7th day of May, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-02-03

SPECIAL ORDINANCE NO. S-101-81

AN ORDINANCE amending Chapter 28, Section
28-30 (b) of the Code of the City of Fort
Wayne, Indiana of 1974 concerning taxicabs

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 28, Section 28-30 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended as follows:

(a) Section 28-30 (b) concerning the charges to be made for the carrying of passengers by taxicabs of the City of Fort Wayne, is further amended as follows:

"Section 28-30 (b) Charges of fares by taximeter rate" is hereby deleted in its entirety and the following is substituted therefor:

Section 28-30 (b) Charging of fares by taximeter rate. The following fares shall be charged for carrying of passengers by taxicabs:

- (1) From one (1) to and including four (4) passengers for the first one tenth (1/10) mile or fraction thereof, the fare shall be eighty cents (80c).
- (2) For each additional one fifth (1/5) mile or fraction thereof, the fare shall be an additional twenty cents (20c)
- (3) An additional charge of fifty cents (50c) shall be made for transporting over two (2) passengers. No additional charge for passengers 12 years of age or under.
- (4) For each one and a half minutes of waiting time or fraction thereof, the fare shall be an additional twenty cents (20c), or Seven Dollars and Fifty Cents (\$7.50) per hour.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-101-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

PASSED BY COMMON COUNCIL -- ALL MEMBERS VOTED TO OVERRIDE THE MAYOR'S VETO

BILL NO. S-81-04-03

SPECIAL ORDINANCE NO. S-116-81

AN ORDINANCE approving an Agreement
for Housing Market Analysis between the
City of Fort Wayne, Indiana and Kenneth
F. Danter and Company, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That a certain Agreement dated April 7, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Community Development and Planning and Kenneth F. Danter and Company, for:

a housing market analysis of Fort Wayne which will forecast the demand for housing by type and cost and demand by household type. This analysis will also provide the basis for the development of a housing plan for Fort Wayne,

at a total cost of \$15,000.00 all as more particularly set forth in said Agreement which is on file in the Department of Community Development and Planning and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Three

Burns, D. Schmidt, Schomburg

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-116-81 on the 12th day of May, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-07

SPECIAL ORDINANCE NO. S- 117-81

AN ORDINANCE authorizing payment for overtime worked by employees of the Humane Shelter of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Basic Life Support position in the Emergency Medical Services Department of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Advanced Life Support position in the Emergency Medical Services Department of the City of Fort Wayne and establishing a base pay for such position; and authorizing payments to certain employees of the City of Fort Wayne for past step increases

WHEREAS, the City of Fort Wayne has engaged in collective bargaining with the International Association of Machinists and Aerospace Workers, Lodge Number 2569 (formerly 2569, 2570, and 2571), said organization being the representative of certain employees of the City of Fort Wayne for purposes of wages and other terms and conditions of employment;

WHEREAS, such negotiations have included matters dealing with overtime pay for employees of the Humane Shelter, and have dealt with the upgrading of the present labor grades relative to the Basic Life Support and Advanced Life Support positions, in the Emergency Medical Services, and in the establishment of a base pay for the Advanced Life Support position;

WHEREAS, said negotiations have also resulted in a settlement of three pending lawsuits previously filed against the City of Fort Wayne, by certain individual employees of the City of Fort Wayne, these lawsuits being known as Cause Numbers S-78-06; S-78-07; and S-78-08, Allen Superior Court, Allen County, Indiana, said lawsuits involving allegations of step increase pay due certain employees of the City of Fort Wayne for the years 1977 and 1978;

WHEREAS, the City of Fort Wayne deems it desirous and in its best interest to have authorized, by the Common Council of the City of Fort Wayne, the authorization for overtime payment to certain employees of the Humane Shelter;

the upgrading of existing labor grades relative to the Basic Life Support and Advanced Life Support positions and the establishment of a base pay for the Advanced Life Support position and for the payment to certain employees of the City of Fort Wayne for past step increases, in settlement of all disputes as evidenced by the lawsuits referred to herein.

WHEREAS, an emergency exists in the staffing of employees of the Humane Shelter and the Emergency Medical Service Department necessary for the proper operation thereof and to settle the claims of the employees now pending in Court as set forth herein; and the Mayor, pursuant to Indiana Code 18-2-1-9, has recommended the changes in positions set forth herein to meet said emergency; and it is the sense of this Body that such changes would improve the efficiency of government in the City.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby authorized to pay to employees of the Humane Shelter of the City of Fort Wayne, Indiana, for all such overtime they accumulated from January 1, 1980, through December 31, 1980; provided, however, that the total payment of overtime shall not exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) and that same shall be paid as soon as is possible subsequent to the passage and approval of this Ordinance, and on a pro rata basis, to the employees who so accumulated overtime from January 1, 1980, through December 31, 1980.

SECTION 2. That the Basic Life Support position in the Emergency Medical Services Department is hereby upgraded from Labor Grade 7 to Labor Grade 9, with no change in pay.

SECTION 3. That the Advanced Life Support position in the Emergency Medical Services Department is hereby upgraded from Labor Grade 9 to Labor Grade 10, and that a base pay for such Advanced Life Support position is hereby established in the amount of Fifteen Thousand Eight Hundred Eleven and 00/100

Dollars (\$15,811.00) per year; provided, however, that until individuals holding the Advanced Life Support position have completed the appropriate probationary or trial period, they shall have their base pay computed at the rate of Fourteen Thousand Eight Hundred Eleven and 00/100 Dollars (\$14,811.00). Furthermore, no technical pay shall be paid to individuals in the Advanced Life Support position.

Section 4. The upgrading of the labor grades referred to in Sections 2 and 3 and the establishment of the base pay for the Advanced Life Support position shall become effective upon passage and approval of this Ordinance, as required by law.

SECTION 5. As a settlement of the pending lawsuits against the City of Fort Wayne, said lawsuits pending under Cause Numbers S-78-06; S-78-07; and S-78-08, Allen Superior Court, Allen County, Indiana, the City of Fort Wayne is hereby authorized to make the payments as provided for herein. The payment herein made shall apply to only those employees of the City of Fort Wayne who were, on December 3, 1980, in employee positions with the City of Fort Wayne covered in the Collective Bargaining Agreement by and between the City of Fort Wayne and the International Association of Machinists signed March 6, 1979, and which expired March 5, 1981, and who were entitled to pay step increases in 1977 and/or 1978. If an employee was not an employee of the City of Fort Wayne in a position covered by said Collective Bargaining Agreement on December 3, 1980, or if an employee was not entitled to a step increase in either 1977 or 1978, such employee shall not be entitled to any payment hereunder. However, the payments hereunder to be made do apply to individuals who are not presently employed by the City of Fort Wayne, but who were so employed as of December 3, 1980, in positions covered by the above-referred to Collective Bargaining Agreement and who were entitled to step increases in either 1977 or 1978.

All employees covered pursuant to the above shall receive the sum of One Hundred Fifteen and 00/100 Dollars (\$115.00)

per "factor" as hereinafter defined. An employee who was otherwise qualified per the above shall be entitled to four factors if said individual was eligible for a step increase at any time from January 1, 1977, through June 30, 1977; three factors shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1977, through December 31, 1977; two factors shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from January 1, 1978, through June 30, 1978; and one factor shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1978, through December 31, 1978.

14 Thus, the maximum number of factors that can be
15 accumulated is ten, or a payment of ten times One Hundred
16 Fifteen and 00/100 Dollars (\$115.00) per factor, or a maximum
17 of One Thousand One Hundred Fifty and 00/100 Dollars (\$1,150.00).
18 Individuals who are otherwise covered per the above will be
19 paid on the basis of the factors so accumulated. The payment
20 of the monies referred to herein shall be made, as soon as is
21 possible, in lump sum fashion, to the appropriate employees,
22 in a "net" check subsequent to passage and approval of this
23 Ordinance, as required by law.

SECTION 6. The payment of all monies as referred to in this Ordinance shall be subject to all appropriate budgetary provisions.

SECTION 7. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

1 SECTION 8. This Ordinance shall be in full force and
2 effect from and after its passage and after all necessary
3 approval by the Mayor.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: One

D. Schmidt

Abstained: One

Schomburg

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-117-81 on the 12th day of May, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour
of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-25

SPECIAL ORDINANCE NO. S-120-81

AN ORDINANCE transferring funds from
Account Number 4-02-010-002-4215
"Council Travel" to Account Number
4-02-010-002-4101 and employing
a special attorney

WHEREAS, a controversy has arisen with regard to the procedure to be followed under Indiana statutes pertaining to zoning ordinances; and,

WHEREAS, It is in the best interest of the residents and taxpayers of the City of Fort Wayne that such controversy be resolved as expeditiously as possible; and,

WHEREAS, the Common Council believes it to be in the best interest of the residents and taxpayers of the City of Fort Wayne, Indiana, that an attorney experienced in the field of zoning law be employed for the purpose of representing it in all matters pertaining to said controversy; and,

WHEREAS, the Common Council does not, at this time, desire to place an additional burden upon the city's general fund; and,

WHEREAS, funds exist in Account Number 4-02-010-002-4215 "Council Travel" which are available to be transferred to Account Number 4-02-010-002-4101 for use in the payment of said attorney.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana;

Section 1. That attorney, Ralph Blume, be and hereby is employed as attorney for the Common Council for the purpose of initiating a declaratory judgment action together with any appeal therefrom which he may, in his professional judgment, deem necessary to determine proper procedure for amendatory zoning ordinances and, in particular, to determine whether the vote of the Common Council on Bill Z-81-01-12 (as amended) is the final action to be taken on the bill.

Section 2. That there is hereby transferred from Account Number 4-02-010-002-4215, "Council Travel" and appropriated to the account of the 1981 budget numbered 4-02-010-002-4101, the amount remaining in said "Council Travel" account after date of enactment of this Ordinance.

Section 3. That the unexpended balance of Account Number 4-02-010-001-002-4215 "Council Travel" is hereby reduced by the amount specified in Section 2 hereof.

Section 4. That this Ordinance shall be in full force and effect from and after its passage, legal publication thereof, and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
Nays: Four
Burns, Nuckols, D. Schmidt, Schomburg

Date: 5-12-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-120-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 6:00 o'clock P.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. S-81-04-28

SPECIAL ORDINANCE NO. S-118-81

AN ORDINANCE approving a Lease Agreement
between the City of Fort Wayne and Air
Wisconsin, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Lease Agreement between the City of Fort Wayne, by and through its Board of Aviation Commissioners and Air Wisconsin, Inc. for a term of ten years for 4.65 acre site at Baer Field and a two bay hangar and office building to be constructed thereon and leased to the City by Baer Field Building Corporation at a rental of \$24,216.50 per month subject to adjustment, all as more particularly set forth in said Lease Agreement which is on file in the Board of Aviation Commissioners and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-118-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-29

SPECIAL ORDINANCE NO. S-119-81

AN ORDINANCE AUTHORIZING THE ISSUANCE
AND SALE OF \$1,000,000 ECONOMIC DEVELOPMENT
REVENUE BONDS OF THE CITY OF FORT WAYNE,
INDIANA, FOR THE PURPOSE OF MAKING A LOAN
TO DAYTON-HUDSON CORPORATION IN ORDER TO
FINANCE THE ACQUISITION AND CONSTRUCTION
OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES
LOCATED IN THE CITY; AUTHORIZING EXECUTION
OF A LOAN AGREEMENT PROVIDING FOR THE
DELIVERY OF A NOTE AND ASSIGNMENT THEREOF
AS SECURITY FOR SAID BONDS; AUTHORIZING
AN INDENTURE OF TRUST APPROPRIATE FOR
THE PROTECTION AND DISPOSITION OF THE

REVENUES FROM SUCH NOTE; AUTHORIZING EXECUTION
OF AN OFFICIAL STATEMENT DESCRIBING
THE TERMS OF THE BOND ISSUANCE: AUTHORIZING
EXECUTION OF AN UNDERWRITING AGREEMENT
AMONG THE CITY, DAYTON-HUDSON CORPORATION,
AND GOLDMAN, SACHS & CO.: AND AUTHORIZING
THE TERMS AND SALE OF SAID BONDS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 18-6-4.5 as amended (hereinafter called the "Act") is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Dayton-Hudson Corporation (the "Company") is a corporation duly organized and existing under and by virtue of the laws of the State of Minnesota with its principal office in Minneapolis, Minnesota, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the Company has agreed to acquire and construct economic development facilities in the City, if the City will finance a portion of the cost of such acquisition and construction; and

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of (1) Indenture of Trust (the "Indenture") dated as of May 1, 1981, between the City and The Indiana National Bank of Indianapolis, Indiana (the "Trustee"), containing a form of economic development revenue bond, (2) Loan Agreement (the "Loan Agreement") dated as of May 1, 1981, between the City and the Company, containing a form of Note from the Company, (3) Official Statement (the "Official Statement") dated as of May 1, 1981, describing the terms of the bond issuance, (4) Underwriting Agreement (the "Underwriting Agreement") dated as of May 1, 1981, among the City, the Company, and Goldman, Sachs & Co., (the "Underwriter"), and (5) this Bond Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the building, equipment and facilities in connection therewith (the "Project") to be acquired and constructed with the proceeds of the Economic Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition and construction of the Project will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new industries in such area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project.

Section 2. Authorization of Economic Development Revenue Bonds. In order to pay a portion of the cost of acquiring and constructing the Project, there are hereby authorized to be issued, sold and delivered \$1,000,000 aggregate principal amount of Economic Development Revenue Bonds, (Dayton-Hudson Corporation Project) Series 1981 of the City (the "Bonds"). Any additional costs of the Project will be paid for by the Company unless paid for with the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture.

Section 3. Terms for the Bonds. The total principal amount of Bonds that may be issued is hereby expressly limited to the sum of \$1,000,000; provided that Additional Bonds may be issued upon the terms and conditions and for the purposes provided in the Indenture and in the Loan Agreement.

The Bonds shall be issuable in coupon or fully registered form, shall bear interest until paid at the rate of 11-1/2% per annum payable May 1 and November 1 of each of each year beginning on November 1, 1981, and shall mature on May of each of the year set forth below and in the principal amount set opposite each year, as follows:

<u>Year</u>	<u>Principal Amount</u>
2011	\$1,000,000.00

Each coupon Bond shall be dated May 1, 1981. Each fully registered Bond shall be dated as of the May 1 or November 1 next preceding its date of issue, or if issued on a May 1 or November 1 as of such date. Principal and interest and premium, if any, shall be payable at the principal office of the Trustee in Indianapolis, Indiana.

The Bonds shall be executed, shall be in such form, shall have such redemption provisions, and shall be subject to such other terms and conditions as set forth in the Indenture. The Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but are limited obligations of the City payable solely from revenues and other amounts derived from the Loan Agreement and shall be secured as provided in the Indenture. Forms of the Loan Agreement, Indenture, Official Statement and Underwriting Agreement are before this meeting and are by this reference incorporated

in this Bond Ordinance, and the City Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 4. Sale of the Bonds The Mayor and City Clerk of the City are hereby authorized and directed to sell the Bonds to or upon the order of the Underwriter at a price of 98.75% of par, plus accrued interest to the date of delivery and payment. Receipt by the Trustee of payment for the Bonds shall constitute payment to the City of the purchase price for the Bonds.

Section 5.. Indenture. In order to secure the payment of the principal of and interest on the Bonds, the Mayor and City Clerk shall execute, attest and deliver, in the name and on behalf of the City, an Indenture of Trust in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 6. Loan Agreement. In order to provide for the loan of the proceeds of the Bonds to acquire and construct the Project and the payment by the Company of an amount fsufficient to pay the principal of and premium, if any, and interest of the Bonds, the Mayor and City Clerk shall execute, attest and deliver in the name and on behalf of the City a Loan Agreement and shall contain the to this Common Council, which is hereby approved in all respects.

Section 7. Acceptance of Note. In connection with the Bonds The City accepts as security for such Bonds the Note of the Company. The Note shall be in substantially the form attached to the Loan Agreement and shall contain the provisions set forth in subsection (a) of Section of the Loan Agreement. The Mayor is hereby authorized to assign the Note to the Trustee as security for the Bonds.

Section 8. Official Statement. The Mayor shall execute and deliver in the name and on behalf of the City an Official Statement in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 9. Underwriting Agreement. The Mayor shall execute and deliver in the name and on behalf of the City an Underwriting Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 10. General. The Mayor, City Clerk, and any other officer or official of the City be and they are each hereby authorized and directed, in the name and on behalf of the City, to execute any and all instruments, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preamble hereto), the acquisition and construction of the Project by the Company, the issuance and sale of the Bonds, and the securing of the Bonds under the Indenture.

Section 11 Effective Date This Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval of the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-119-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-30

SPECIAL ORDINANCE NO. S-121-81

AN ORDINANCE approving Civil City Purchase Order No. 003117 with American International Rent-A-Car for the leasing of vehicles for the Community Development and Planning Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 00317 dated April 8, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and American International RentACar, for the lease of four sedans - 1981 Chevrolet Citations to be used by the Community Development and Planning Department, at a cost of \$8,762.76, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Buns, Eisbsrt, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-121-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-31

SPECIAL ORDINANCE NO. S-122-81

AN ORDINANCE approving a certain bid document for the purchase of vehicles for the Police Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 986A dated March 19, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Glenbrook Dodge, Inc. for thirty (30) four-door sedans, 1981 Dodge Diplomats, at a total approximate cost of \$215,551.20, all as more particularly set forth in said bid document reference number 986-A and Purchase Order Number A3105, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 5-12-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-122-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-32

SPECIAL ORDINANCE NO. S-123-81

AN ORDINANCE approving Civil City
Purchase Order No. 003118 with
American International Rent-A-Car for the
leasing of a vehicle for the Traffic
Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 003118 dated April 8, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and American International Rent-A-Car, for the lease of one mid-sized sedan - 1981 Chevrolet Citation to be used in the Traffic Engineering Department at a cost of \$2,190.69, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-123-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-33

RESOLUTION NO. R-37-81

A RESOLUTION authorizing payment to
Glenbrook Dodge, Inc. for replacement car

Whereas, (1) various city vehicles are being replaced; and (2) insurance monies in reimbursement for such replacement have been received and receipted by the City Controller in the amount of \$6,775.76.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the amount of \$6,775.76 to Glenbrook Dodge, Inc. for a replacement vehicle.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-37-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-34

RESOLUTION NO. R-38-81

A RESOLUTION authorizing the transfer of funds from Account Number 344-344-4730 "Land" to Account Number 344-344-4266 "Demolition" in the 1981 Budget of the Redevelopment Commission

WHEREAS, it has become necessary to transfer funds to Account Number 3443444266 "Demolition" in the 1981 Budget of the Redevelopment Commission, for which adequate funds exist in Account Number 3443444730 "Land", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$53,000.00 to Account Number 3443444266 "Demolition" of the 1981 Budget of the Redevelopment Commission.

SECTION 2. That the unappropriated and unexpended balance of Account Number 344344-4730 "Land" is hereby reduced in the amount of \$53,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-38-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-35

RESOLUTION NO. R-39-81

A RESOLUTION authorizing the transfer of funds from Account Number 402-010-002-4111 "Salaries & Wages" to Account Number 402-010-002-4550 "Subscriptions & Dues" in the 1981 Budget of the City Controller

WHEREAS, it has become necessary to transfer funds to Account Number 402-010-002-4550 "Subscriptions & Dues" in the 1981 Budget of the City Controller, for which adequate funds exist in Account Number 402-010-002-4111 "Salaries & Wages", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$3,500.00 to Account Number 402-010-002-4550 "Subscriptions & Dues" in the 1981 Budget of the City Controller.

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-010-002-411 "Salaries & Wages" is hereby reduced in the amount of \$3,500.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-39-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-36

RESOLUTION NO. R-40-81

A RESOLUTION authorizing the transfer of funds from Account Numbers 121-4271 "Recreation Services", 121-4370 "Other Supplies", 121-4440 "Other Materials" and 121-4520 "Rentals" to Account Number 121-4112 "Seasonal and Temporary Wages" in the 1981 Budget of the Parks and Recreation Department

WHEREAS, it has become necessary to transfer funds to Account Number 121-4112 "Seasonal and Temporary Wages" in the 1981 Budget of the Parks and Recreation Department, for which adequate funds exist in Account Numbers 121-4271 "Recreation Services", 121-4370, "Other Supplies", 121-4440 "Other Materials" and 121-4520 "Rentals", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$42,500.00 to Account Number 121-4112 "Seasonal and Temporary Wages" in the 1981 Budget of the Parks and Recreation Department.

SECTION 2. That the unappropriated and unexpended balance of the accounts in the 1981 Budget of the Parks and Recreation Department numbered and listed below are hereby reduced in the amounts set opposite them below, respectively, to-wit:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
121-4271	Recreation Services	\$17,500.00
121-4370	Other Supplies	\$12,300.00
121-4440	Other Materials	\$ 1,500.00
121-4520	Rentals	<u>\$11,200.00</u>
TOTAL		\$42,500.00

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor .

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 5-12-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-40-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11: 30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-37

RESOLUTION NO. R-41-81

A RESOLUTION authorizing payment to
various agencies for repair of city
vehicles and other city property

WHEREAS, (1) the following City property was damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>PROPRETY</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged sign materials at various locations throughout the city	\$ 774.00	Hall Signs
Damaged impact attenuator parts at various locations throughout the city	\$2,656.43	Hoosier Fence

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for damaged city property as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-41-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-03-33

ZONING MAP ORDINANCE NO. Z-13-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map Nos. L-7 and M-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map Nos. L-7 and M-7, referred to therein, established by Section 3311 of said Chapter are hereby changed accordingly, to-wit:

Lots 11 through 15 in M.M. Lime Cooley's Addition; Lots 1 through 4 in J.H. Feichter's Addition, Lots 9 and 11 L.M. Ninde's Addition; Lots 1 and 2 in MeyerHof Addition together with the following parcels:

PARCEL # 1

Located south of Pontiac Street approximately 132 feet west of Harrison Street and lying north of the first east-west alley south of Pontiac Street, more particularly described as follows: Beginning at a point located at the intersection of the south right-of-way line of Pontiac Street and the west right-of-way line of Harrison Street also being the northeast corner of Lot #11 in M.M. Lime Cooley's Addition; thence west along the south right-of-way line of Pontiac Street a distance of 132 feet to a point, also being the point of beginning; thence continuing west along the south right-of-way line of Pontiac Street a distance of 462 feet to a point, this point also being the northeast corner of Lot #2 in MeyerHof Addition; thence south along the

east line of said Lot #2 a distance of 162.5 feet to the southeast corner of said Lot #2 this point being the north right-of-way line of an east-west alley; thence east along the north right-of-way line of the east-west alley and parallel to the south right-of-way line of Pontiac Street a distance of 462 feet to a point located 132 feet west of the west right-of-way line of Harrison Street said point also being the inter-section of the north right-of-way line of the east-west alley and the west right-of-way line of a north-south alley; thence north along the west right-of-way line of the north-south alley and parallel to the west right-of-way line of Harrison Street a distance of 162.5 feet to the point of beginning, containing 1.723 acres.

PARCEL # 2

Located south of Pontiac Street and approximately 151.5 feet east of Hoagland Avenue and lying north of the first east-west alley south of Pontiac Street, more particularly described as follows:

Beginning at a point located at the intersection of the south right-of-way line of Pontiac Street and east right-of-way of Hoagland Avenue said point also being the northwest corner of Lot #1 in J. H. Feichter's Addition; thence east along the south right-of-way line of Pontiac Street a distance of 151.5 feet to a point, also being the point of beginning; thence continuing east along the south right-of-way line of Pontiac Street a distance of 86 feet to a point, also being the northwest corner of Lot #1 in MeyerHof Addition; thence south along the west line of said Lot #1 a distance of 162.5 feet to the southwest corner of said Lot #1 also lying on the north right-of-way line of the east-west alley; thence west along the north right-of-way line of the east-west alley and parallel to the south right-of-way line of Pontiac Street a distance of 86 feet to a point located 151.5 feet east of the east right-of-way line of Hoagland Avenue said point also being the intersection of the east right-of-way line of the north-south alley and the north right-of-way line of the east-west alley; thence north along the east right-of-way line of the north-south alley and parallel to the east right-of-way line of Hoagland Avenue a distance of 162.5 feet to the point of beginning containing .32 acres.

PARCEL #3

Located south of Pontiac Street and approximately 185.91 feet west of Hoagland Avenue and lying north of the first east-west alley south of Pontiac Street, more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Pontiac Street and the west right-of-way line of Hoagland Avenue also being the northeast corner of Lot #9 in L.M. Ninde's Addition; thence west along the south right-of-way line of Pontiac Street a distance of 185.91 feet to a point also being the point of beginning; thence continuing west along the south right-of-way line of Pontiac Street a distance of 80 feet; thence south on a line parallel to the west right-of-way line of Hoagland Avenue and also being the east right-of-way line of a north-south alley a distance of 150 feet to a point lying at the intersection of the east right-of-way line of the north-south alley and the north right-of-way line of the east-west alley, thence east along the north right-of-way line of the east-west alley and parallel to the south right-of-way line of Pontiac Street a distance of 80 feet to a point located 186.07 feet west of the west right-of-way line of Hoagland Avenue and also being the intersection of the north right-of-way line of the east-west alley and the west right-of-way line of a north-south alley; then ce north along the west rightof-ay line of the north-south alley and parallel to the west right-of-way line of Hoagland Avenue a distance of 150 feet to the point of beginning containing .275 acres.

PARCEL #4

Located south of Pontiac Street approximately 191 feet east of Fairfield Avenue and north of the first east-west alley south of Pontiac Street more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Pontiac Street and the east right-of-way line of Fairfield Avenue also being the northwest corner of Lot #1 in Robert's Place Addition; thence east along the south right-of-way line of Pontiac Street a distance of 191 feet to a point also being the point of beginning; thence continuing east along the south right-of-way line of Pontiac Street a distance of 136 feet; thence south on a line parallel to the east right-of-way line of Fairfield Avenue; the line also being the west right-of-way line of north-south alley a distance of 150 feet to a point said point being the intersection of the west right-of-way line of the north-south alley and the north right-of-way line of a east-west alley; thence west along the north right-of-way line of the east-west alley and parallel to the south right-of-way line of Pontiac Street a distance of 136 feet to a point located 191 feet east of the east right-of-way line of Fairfield Avenue said point also being the intersection of the north right-of-way line of the east-west alley and the east right-of-way line of a north-south alley; thence north along the east right-of-way line of the north-south alley and parallel to the east right-of-way line of Fairfield Avenue a distance of 150 feet to the point of beginning containing .468 acres.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-13-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-03-34 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-14-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. N-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. N27, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Lots 59, 61 and 62 in Home Gardens Addition.

SECTION 2. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. 27, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Lots 65, 66, 67, 68, 71, 72, 73, 74, 77 and 78 in
Home Gardens Addition.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-14-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-41

SPECIAL ORDINANCE NO. S-124-81

AN ORDINANCE approving City Utilities
Purchase Order No. 8111 with Hefner
Chevrolet, Inc. for a vehicle for the
Water Pollution Control Engineering
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 8111 dated April 15, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Hefner Chevrolet, Inc., for:

one 3/4 ton van for the Water
Pollution Engineering Department,

at a cost of \$7,423.25, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-124-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-42

SPECIAL ORDINANCE NO. S-125-81

AN ORDINANCE approving Change Order
No. 13 in connection with the Water
Works Improvement Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 13 to Hagerman Construction Corporation/Shambaugh & Sons, Inc., joint bidders, in connection with the Water Works Improvement Filtration Plant, for:

the addition of piping valves and
instrumentation to better control
the manner in which sludge is pumped
to the sludge lagoons,

in the amount of \$55,226.00, as set out in the specifications which are on file in the Office of the Board of Public Works, and are by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-12-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-125-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. G-81-03-43 AS AMENDED

2 GENERAL ORDINANCE NO. G- 08-81

3 AN ORDINANCE AMENDING CHAPTER 7 OF THE
4 CODE OF THE CITY OF FORT WAYNE, INDIANA
5 OF 1974 AND SUPPLEMENTING SAID CHAPTER.

6 WHEREAS, the Common Council of the City of Fort Wayne,
7 Indiana, recognizes its role in promoting the highest
8 standards of public safety throughout the community; and,

9 WHEREAS, said Common Council believes that the public
10 safety of the children of this community is of the utmost
11 importance; and,

12 WHEREAS, the purpose of this Ordinance is to enact
13 reasonable regulations governing every motor vehicle in
14 which ice cream, ice milk, frozen dairy products or ice
15 flavored with syrup are carried for the purposes of retail
16 sale on the public streets of the City of Fort Wayne, Indiana.

17 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
18 OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

19 SECTION 1. Chapter 7 of the Code of the City of Fort
20 Wayne, Indiana, of 1974 is hereby amended and supplemented
21 by the addition of a new Article XII entitled "ICE CREAM
22 TRUCK" and which Article XII reads as follows:

23 ARTICLE XII

24 SECTION 2. Definitions:

25 (A) "ICE CREAM TRUCK" shall mean every motor vehicle in
26 which ice cream, ice milk, frozen dairy products or ice
27 flavored with syrup are carried for purposes of retail sale
28 on the streets of the City of Fort Wayne, Indiana;

29 (B) "VEND OR VENDING" shall mean offering ice cream,
30 ice milk, frozen dairy products or ice flavored with syrup
31 for sale from a motor vehicle on the public streets of the
32 City of Fort Wayne, Indiana.

1 Section 3. Inspection, Equipment, and Licensing.

2 Once every year prior to the issuance of any license
3 to any person who uses and operates any ice cream
4 truck on the streets of the City of Fort Wayne,
5 Indiana the owner thereof shall cause said ice cream
6 truck to be thoroughly examined and inspected by
7 the health officer of the City-County Board of Health
8 of Fort Wayne to determine compliance with the minimum
9 sanitation and health requirements specified by the State
10 Board of Health. Written proof of said inspection shall
11 be promptly transmitted by the health officer to the
12 Office of the Controller of the City of Fort Wayne,
13 Indiana. Upon receipt of the written proof of
14 inspection showing compliance with minimum sanitation
15 and health requirements as hereabove specified, and
16 prior to the issuance of a vendor or peddler's license
17 as set forth hereinafter and prior to the use and
18 operation of said ice cream truck, said ice cream truck
19 shall be thoroughly examined and inspected by the
20 Police Department and must have the following safety
21 equipment on said vehicle in good working order.

- 22 (A) A metal, horizontally extendable sign
23 at least twenty (20) inches in length,
24 and at least ten (10) inches in width
25 imprinted with the words "STOP" in
26 six (6) inch black block letters on
27 yellow background, and "PROCEED WITH
28 CAUTION" in two (2) inch black block
29 letters on yellow background, such
30 arm to be lighted at the street end
31 of said arm with two alternately
flashing lights two (2) inches in
diameter amber in the front and red
in the back clearly visible from both
front and rear directions at a distance of at
least three hundred (300) feet, the bottom
of said sign to be at a height of five (5)
feet above the level of the street
or way.

1 SECTION 4. Violations by Motorists.

2 It shall be unlawful for any motorist when approaching
3 a parked (defined as located within six (6) inches of the
4 curb or side of road, whichever is applicable) Ice Cream
5 Truck from any direction at a time when such Ice Cream Truck
6 is displaying the metal extendable arm and the flashing
7 lights, to fail to come to a complete stop at least ten (10)
8 feet from the closest end of said Ice Cream Truck or to fail to
9 then proceed with caution past such Ice Cream Truck at a
10 reasonable and prudent speed, not exceeding 15 miles per hour
11 and to yield the right of way to any pedestrian who crosses
12 the roadway to or from the side of said Ice Cream Truck;
13 provided, that on any street or highway divided into two (2)
14 or more roadways by leaving an intervening space which is
15 unimproved and not intended for vehicular traffic, or by
16 a physical barrier or by a dividing section constructed to
17 impede vehicular traffic, if the Ice Cream Truck is on
18 the opposite side of such traffic barrier, the driver of
19 the approaching vehicle need not stop but shall proceed
20 with due caution for the safety of the customers of the
21 Ice Cream Truck.

22 Any motorist who operates a motor vehicle in violation
23 of this Section shall be fined not to exceed Fifty (\$50.00)
24 Dollars and Court costs for each violation; provided,
25 however, if the Ice Cream Truck is being operated in
26 violation of this Article XII then the motorist shall not
27 be considered as violating this Section 4.

28 SECTION 5. Vending Restrictions.

29 (A) The driver of an Ice Cream Truck stopped
30 on a public street for purpose of vending shall
31 actuate the alternately flashing red and amber
32 lights and extend the stop signal arm required
by this Article XII.

1 (B) The required signal arm and flashing lights shall
2 not be used when the Ice Cream Truck is in motion
3 nor at any time when the Ice Cream Truck is
4 stopped for a purpose other than vending.

5 (C) The driver or vendor therein of an Ice Cream
6 Truck shall not back the same to make or attempt
7 a sale.

8 (D) The driver or vendor therein of an Ice Cream
 9 Truck shall vend only from the side of said
 10 Ice Cream Truck away from moving traffic and
 11 as closely as possible to the curb or edge of
 12 the public street.

13 (E) It shall be unlawful to offer to vend or to
 14 vend on any public street where parking is
 15 prohibited on one side or on both sides of said
 16 public street or on any public street where traffic
 17 flows in one direction only or on any public
 18 street where the legal speed limit exceeds 30
 19 miles per hour.

20 (F) It shall be unlawful to offer to vend or to vend
 21 from any ice cream truck on any public street
 22 before the hour of 9:00 A.M. and between the hours
 23 of 3:00 P.M. and 6:00 P.M.

23 Amended in
 24 by V. Schmidt Committee
 25 Section 6. Violations by Ice Cream Vendor or Driver
 of any Ice Cream Truck.

26 Any ice cream vendor or driver of an Ice Cream Truck
 27 who operates an Ice Cream Truck in violation of this
 28 Article XII shall be fined not to exceed Fifty (\$50.00)
 29 Dollars and Court costs for each violation.

30 Section 7. Permissive Vending.

31 It shall be lawful for an Ice Cream Truck duly inspected
 32 and licensed under Section 3 of this Article XII to vend its
 wares at special events, such as fireworks, Three Rivers

1 Festivals, company benefits and parties in places other
 2 than on public streets without complying with the provisions
 3 of Section 5 (A), (B), (C), (D), (E), and (F).

4 Section 8. Payment of Fines.

5 All fines and penalties shall be paid to the Fort Wayne
 6 Violations Bureau located in the Office of the City Clerk
 7 of Fort Wayne, Indiana.

8 Section 9. This Ordinance shall be in full force and
 9 effect from and after its passage approval by the Mayor and
 10 legal publication thereof and shall remain in force
 11 until October 31, 1981, upon which date it shall expire
 12 unless the Common Council of the City of Fort Wayne, Indiana
 13 shall by ordinance extend its operation beyond October 31,
 14 1981.

15 Ben A. Eisbart
 16 COUNCILMAN

Read the third time in full and on motion by Eisbart, seconded by
 Talarico, and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Six
 Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Talarico
 Nays: Three
 Nuckols, Schomburg, Stier

Date: 5-12-81 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as General Ordinance No. G-08-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of May, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of May, 1981, at the hour
of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-08

SPECIAL ORDINANCE NO. S-126-81

AN ORDINANCE AUTHORIZING THE
CITY OF FORT WAYNE, TO ISSUE ITS
"ECONOMIC DEVELOPMENT FIRST MORTGAGE
REVENUE BONDS, SERIES 1981 (GLADIEUX
REFINERY, INC. PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of GLADIEUX REFINERY, INC., regarding the financing of proposed economic development facilities consisting of three storage tanks with foundations and pilings and a crude oil furnace at 4133 New Haven Avenue, in Wayne Township, and the County Plan Commission has commented favorably thereof; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 29, 1980, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: Loan Agreement, Mortgage and Indenture of Trust and Bonds.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5, and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (GLADIEUX REFINERY, INC. PROJECT) in the total principal amount of \$700,000.00 dated May 1, 1981 payable with interest at 70% of the prime commercial lending rate established by the Lincoln National Bank and Trust Company of Fort Wayne, and subject to a change in the interest rate from time to time and each change in such established interest rate to be effective on the date such change is established, payable on the first day of each month commencing June 1, 1981, until said principal sum is due, May 1, 1987, for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which

bonds will be payable as to principal premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (GLADIEUX REFINERY, INC. PROJECT), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-126-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-05-18

RESOLUTION NO. R-42-81

A RESOLUTION authorizing the transfer of
funds from Account Number 402-010-016-4321
"Gasoline" to Account Number 402-010-016-4213
"Travel" in the 1981 Budget of the Emergency
Services Department

WHEREAS, it has become necessary to transfer funds to Account Number 402-010-016-4213 "Travel" in the 1981 Budget of the Emergency Services Department, for which adequate funds exist in Account Number 402-010-016-4321 "Gasoline", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$560.00 to Account Number 402-010-016-4213 "Travel" of the 1981 Budget of the Emergency Services Department.

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-010-016-4321 "Gasoline" is hereby reduced in the amount of \$560.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-42-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-05-19

RESOLUTION NO. R-43-81

A RESOLUTION authorizing payment to various agencies for repair of damaged signs

WHEREAS, (1) the following City signs were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>EQUIPMENT</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged sign at Control various locations throughout the City	\$ 769.60	3M Traffic Products

Damaged sign materials at various locations throughout the City

\$1175.00

Timron, Inc.

TOTAL

\$1944.60

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for sign repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-43-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-04-14 (AS AMENDED)

SPECIAL ORDINANCE NO. S-127-81

AN ORDINANCE repealing present Sections 33-14F(4)a(i) and (ii) of the Code of the City of Fort Wayne, and adding new Sections 33-14F(4)a(i)-(v) and 33-14F(4)b

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 33-14F(4)a, Section 33-14F(4)a(i) and Section 33-14F(4)a(ii) of the Code of the City of Fort Wayne are hereby repealed.

SECTION 2. New Section 33-14F(4)a is added as follows:

a. The reclassification of real estate to a B2 Shopping Center designation shall be processed in the same manner as any other petition for rezoning; except that the following additional data must be submitted by the petitioner as part of the petition for rezoning.

SECTION 3. New Section 33-14F(4)a(i) is added as follows:

- (i) A generalized sketch plan of the site.

SECTION 4. New Section 33-14F(4)a(ii) is added as follows:

- (ii) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development.

SECTION 5. New Section 33-14F(4)a(iii) is added as follows:

- (iii) A description of the expected trade area and the existing population of this trade area.

SECTION 6. New Section 33-14F(4)a(iv) is added as follows:

- (iv) The projected effect of the proposed shopping center on both the expected trade area and the community as a whole including its projected effect on the demographic characteristics of and the physical growth of the trade area and the community.

SECTION 7. New Section 33-14F(4)b is added as follows:

- b. The Plan Commission staff shall prepare its own written analysis and evaluation of the proposed shopping center's effect on the trade area and the community including in its analysis all of the factors set forth in paragraph 33-14F(4)a above. This work will be based primarily on existing data and will be accomplished with existing staff resources.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-127-81 on the 2nd day of June, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-04-39

ZONING MAP ORDINANCE NO. Z-15-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 District under the terms of Chapter 22, The Code of the City of Fort Wayne, Indiana of 1974:

The West Fifty-Five (55) feet of Lots Numbered 31 and 32 in Romy's Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof commonly known as 2021 and 2023 Hillside Avenue, Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. N-14 referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 6-2-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-15-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-03-37

GENERAL ORDINANCE NO. G-09-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein, to vacate:

The portion of the alley which abuts the northern boundary of Lot 3 of Gebhart's Subdivision and Lots 24, 25, 26, 27, 28, 29 through the southern boundary of Lot 30 of Park's Addition, as recorded in Deed Book 67, pages 372-373, Allen County Recorder's Office and which also abuts the parcel of land east of the alley to be vacated, commonly known as 1707 Covington Road, more particularly, E. 106 of N 285 feet on Miller Road; W of Gebhart's Subdivision, .69 A NW 1/4 Section 15,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affect property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

BILL NO. S-81-05-01

SPECIAL ORDINANCE NO. S-128-81

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5901-81,
between the City of Fort Wayne, Indiana
and Rieth-Riley Construction Co., Inc.,
Contractors, for street improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 22, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rieth-Riley Construction Co., Inc., Contractor, for:

repairing the concrete pavement
in the 2600 block of Prairie Grove
Addition,

under Board of Public Works Street Improvement Resolution No. 5901-81, at a total cost of \$8,100.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-128-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-02

SPECIAL ORDINANCE NO. S-129-81

AN ORDINANCE approving a contract for
curb and Sidewalk Improvement Resolution
No. 5897-81, between the City of Fort
Wayne, Indiana, and Rieth-Riley Construction
Co., Inc., Contractor, for the installation
of curbs and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 22, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Co., Inc., Contractor, for:

curbs and sidewalks where needed on (1) Harmar Street - the east and west sides from alley north of Eliza to alley south of Eliza; (2) Gay Street - the east side from Lewis on north to alley south of Eliza and the west side from Hugh on the north to alley south of Eliza; (3) Eliza Street - the north and south sides bounded by Harmar on west and Gay on east; (4) Chute Street - from Lewis Street to Eliza Street in the East Central Neighborhood, Phase VI,

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 5897-81, at a total cost of \$55,131.20, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-129-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-06

SPECIAL ORDINANCE NO. S-130-81

AN ORDINANCE approving a contract for
Street Lighting Improvement Resolution
No. 151-80, between the City of Fort
Wayne, Indiana, and Weikel Line Company,
Inc. for installation ornamental lighting
system

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated April 22, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Weikel Line Company, Inc. for:

Underground ornamental lighting system for the East Central Phase VI Impact Area more specifically defined as Hugh Street, from McCulloch Street to Winter Street, from Lewis Street to Hayden Street, Lillie Street, from Lewis Street to Hayden and Alliger Street, from Winter Street to Anthony Boulevard,

under Board of Public Works Street Lighting Improvement Resolution No. 151-80, at a total cost of \$21,797.23, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 6-2-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-130-81 on the 2nd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of June, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of June, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-11

SPECIAL ORDINANCE NO. S-131-81

AN ORDINANCE approving a contract between
the City of Fort Wayne and GTE Data Services,
Inc. for fire protection to premises outside
the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated January 1, 1981, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and GTE Data Services, Inc. and the furnishing of fire protection by the Fort Wayne Fire Department to premises of GTE Data Services, Inc. outside the city limits, described as follows, to-wit:

Lots Number 1 and 2 in Oakbrook Office Park,
a tract of real estate located in the northeast quarter of the southeast quarter of Section
14, Township 31 North, Range 12 East, Allen County, Indiana, at the southwest corner
of U.S. Highway 27 and Ludwig Road, near but outside the corporate limits of the City
of Fort Wayne, Indiana.

At a cost to GTE Data Services, Inc. of \$4,002.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-131-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-12

SPECIAL ORDINANCE NO. S-132-81

AN ORDINANCE approving a certain bid document
for the purchase of tires and tubes for the Board
of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 984 dated March 17, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and General Tire Company of Fort Wayne, Inc., Allen County Tire Stores, Inc., B.F. Goodrich and McMahon Tire for tires and tubes for various departments at a total approximate cost of \$138,471.69, all as more particularly set forth in said bid document reference number 984 and Purchase Order Numbers 4-09483, 4-09484, 4-09485 and 4-09486, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-132-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-13

SPECIAL ORDINANCE NO. S-133-81

AN ORDINANCE approving a certain bid document
for the purchase of filters, batteries and spark
plugs for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 983 dated March 17, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Crown Battery Manufacturing Company and Anthony Motor Parts Corporation, for filters, batteries and spark plugs for various departments at a total approximate cost of \$32,000.00, all as more particularly set forth in said bid document reference number 983 and Purchase Order Numbers 4-09482 and 4-09481, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage

and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None
Absent: ONE
V. Schmidt

Date: 6-9-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-133-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-14

SPECIAL ORDINANCE NO. S-134-81

AN ORDINANCE amending Chapter 28, Section 28-30 (b), Section 28-30 (g), Section 28-30.1 and Section 28-31 of the Code of the City of Fort Wayne, Indiana of 1974, as amended, concerning taxicabs

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 28, Section 28-30 (b), Section 28-30 (g), Section 28-30.1 and Section 28-31 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same are hereby amended as follows:

(a) Section 28-30 (b) concerning the charges to be made for the carrying of passengers by taxicabs of the City of Fort Wayne, is further amended as follows:

Section 28-30 (b) Charges of fares by taximeter rate are hereby deleted in their entirety and the following are substituted therefor:

Section 28-30 (b) Charging of fares by taximeter rate. The following fares shall be the maximum which may be charged for carrying of passengers by taxicabs:

- (1) From one (1) to and including four (4) passengers for the first one tenth (1/10) mile or fraction thereof, eighty cents (80c).
- (2) For each additional one fifth (1/5) mile or fraction thereof, the fare may be an additional twenty cents (20c)
- (3) An additional charge of fifty cents (50c) may be made for transporting over two (2) passengers. No additional charge for passengers 12 years of age or under.

(4) For each one and a half minutes of waiting time or fraction thereof, the fare may be an additional twenty cents (20c), or Seven Dollars and Fifty Cents (\$7.50) per hour.

Section 28-30 (g) Charges of fares by taximeter rate are hereby deleted in their entirety and the following are substituted therefor:

Section 28-30 (g) Correct collection and payment. It shall be unlawful for any operator or driver of any taxicab to demand or collect a charge for taxicab service exceeding those hereinabove established. It shall be unlawful for a passenger or person, engaging a taxicab, to refuse to pay any fare registered on a taxicab meter in accordance with the above rates.

(b) Section 28-30.1 concerning the surcharges to be made for the carrying of passengers by taxicabs of the City of Fort Wayne, is further amended as follows:

(1) In addition to the fares established by taximeters pursuant to Section 28-30 (b), there may be assigned for each trip made by a taxicab in carrying passengers for hire a surcharge of twenty cents (20c) per trip for any trip made by taxicab transporting passengers for hire.

(2) In the event of a further price increase, there may be an additional surcharge of five cents (5c) for every ten cents (10c) per gallon of gasoline price increase. In the event of a gasoline price decrease, there shall be a decrease of five cents (5c) in taxicab fares for every ten cents (10c) per gallon of gasoline price decrease.

(3) Before any surcharge increase or decrease shall be authorized for any taxicab company operating in the City of Fort Wayne, Indiana, there shall be presented for study to the Controller of the City of Fort Wayne, for his recommendation to the Common Council of the City of Fort Wayne sufficient financial data in such form and content required by the Common Council so that proper study thereof may be made.

(4) No such additional surcharge or increase shall be authorized except by approval by the Common Council of the City of Fort Wayne, Indiana, by ordinance duly enacted and approved by the Mayor of the City of Fort Wayne, Indiana.

(c) Section 28-31 Posting schedule of fares. Each taxicab shall have posted in a manner approved by the Chief of Police and in a conspicuous place in letters of legible size a schedule of fares not exceeding those provided by Section 28-30.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: : Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-134-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-15

SPECIAL ORDINANCE NO. S-135-81

AN ORDINANCE providing for an additional
civilian member of the Fort Wayne Fire
Department

WHEREAS, the 1981 Salary Ordinance of the Common Council of the City of Fort Wayne created and authorized 266 fire fighting positions and 5 civilian positions for the Fort Wayne Fire Department; and

WHEREAS, the Mayor pursuant to I.C. 18-2-1-9 has determined that an emergency exists that would require the creation of an additional civilian position within the Fort Wayne Fire Department.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an emergency does exist and that accordingly there is hereby authorized 265 fire fighting positions and 6 civilian positions for the Fort Wayne Fire Department.

SECTION 2. That said additional civilian position as herein authorized shall be the position of fire mechanic-diesel/heavy equipment labor grade 10, with a base annual salary of \$15,981.00.

SECTION 3. That any and all Ordinances heretofore passed inconsistent with the terms and conditions hereof are hereby amended to conform to this Ordinance.

SECTION 4. That the annual base salary for the position herein created be subject to all appropriation budgetary provisions.

SECTION 5. If any section, clause, sentence, paragraph part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Seven

Burns, Eisbart, GiaQuinta, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Nuckols

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-135-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

SPECIAL ORDINANCE NO. S-136-81

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$1,300,000 ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO NABISCO, INC., IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED IN ALLEN COUNTY, INDIANA: AUTHORIZING EXECUTION OF A FINANCING AGREEMENT PROVIDING FOR THE DELIVERY OF A NOTE AND ASSIGNMENT THEREOF AS SECURITY FOR SAID BONDS: AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF THE REVENUES FROM SUCH NOTE: AUTHORIZING THE TERMS AND SALE OF SAID BONDS: AND AUTHORIZING EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE FOREGOING AND RELATED MATTERS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 18-6-4.5 as amended (hereinafter called the "Act") is authorized and empowered to adopt this Ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Nabisco, Inc. (the "Company") is a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey with its principal office in East Hanover, New Jersey, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the Company has agreed to acquire and construct economic development facilities in an unincorporated area of Allen County, Indiana, if the City will finance the cost of such acquisition and construction; and

WHEREAS, such economic development facilities consist of office and distribution facilities, including a building, equipment and facilities in connection therewith (the "Project"), which are being acquired and constructed in Allen County to replace facilities formerly occupied by the Company which were destroyed by fire in December, 1978; and

WHEREAS, during acquisition and construction of the Project the Company has rented temporary facilities in or near the City, at which the Company employed approximately 27 persons with an estimated annual payroll of approximately \$498,000, and the Project will result in the employment of approximately 52 persons with an estimated annual payroll of approximately \$1,010,000; and

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of (1) Indenture of Trust (the "Indenture") dated as of May 1, 1981 between the City and Fort Wayne National Bank, Fort Wayne, Indiana (the "Trustee"), containing a form of economic development revenue bond; (2) Financing Agreement (the "Financing Agreement") dated as of May 1, 1981, between the City and the Company; (3) Bond Purchase Agreement (the "Bond Purchase Agreement") dated the effective date of the Bond Ordinance, between the City and Thornton, Farish & Gauntt, Inc. (the "underwriter"); (4) Official Statement (the "Official Statement") dated the effective date of this Bond Ordinance, of the City, and (5) this Bond Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Findings: Public Benefits. The Common Council of the City hereby finds and determines that the Project to be acquired and constructed with the proceeds of the Economic Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; the acquisition and construction of the Project will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new industries in such area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project.

Section 2. Authorization of Economic Development Revenue Bonds. In order to pay the cost of acquiring and constructing the Project, there are hereby authorized to be issued, sold and delivered \$1,300,000 aggregate principal amount of Economic Development Revenue Bonds (Nabisco, Inc. Project) Series 1981 of the City (the "Series 1981 Bonds"). Any additional costs of the Project, not paid for with

Series 1981 Bond proceeds, will be paid for by the Company unless paid for with the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture.

Section 3. Terms for the Series 1981 Bonds. The total principal amount of Series 1981 Bonds that may be issued is hereby expressly limited to \$1,300,000; provided that Additional Bonds may be issued upon the terms and conditions and for the purposes provided in the Indenture and in the Financing Agreement.

The Series 1981 Bonds shall be issuable in coupon form, registrable as to principal only, in the denomination of \$5,000 or in fully registered form in the denomination of \$5,000 or any integral multiple thereof; shall be dated as provided in the Indenture; shall mature on May 1, 2001; shall bear interest payable semi-annually on each November 1 and May 1 at the rate of nine and thirty-five hundredths per cent (9.35%) per annum to and including April 30, 1984, and thereafter at the rate of eight and twenty five hundredths per cent (8.25%) per annum until maturity, and at a rate per annum 1% above the rate of interest at the time borne by said Series 1981 Bonds on any overdue principal and premium and (to the extent that such interest shall be legally enforceable) on any overdue installment of interest until paid; and shall have the form, details and specifications (including provisions for redemption prior to maturity) set forth in the Indenture (as executed). The Series 1981 Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and shall have impressed or imprinted thereon the official seal of the City or a facsimile thereof. The coupons attached to the coupon Series 1981 Bonds shall bear the facsimile signatures of the Mayor and the City Clerk of the City.

The Series 1981 Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but are limited obligations of the City payable solely from revenues and other amounts derived from the Financing Agreement and shall be secured as provided in the Indenture. Forms of the Financing Agreement, Indenture, Bond Purchase Agreement and Official Statement are before this meeting and are by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert them into the minutes of the Common Council and to keep them on file.

Section 4. Sale of the Series 1981 Bonds. The Mayor and City Clerk of the City are hereby authorized and directed to sell the Series 1981 Bonds to or upon the order of the Underwriter at a price of ninety-nine percent (99%), plus accrued interest to the date of delivery and payment. Receipt by the Trustee of payment for the Series 1981 Bonds shall constitute payment to the City of purchase price for the Series 1981 Bonds.

Section 5. Bond Purchase Agreement. In order to sell the Series 1981 Bonds to the Underwriter, the Mayor shall execute and deliver in the name and on behalf of the City, a Bond Purchase Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects, or with such changes therein as shall be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Bond Purchase Agreement hereby approved.

Section 6. Indenture. In order to secure the payment of the principal of and interest on the Series 1981 Bonds, the Mayor shall execute and deliver in the name and on behalf of the City, and the City Clerk shall attest, an Indenture of Trust in substantially the form submitted to the Common Council which is hereby approved in all respects, or with such changes therein as shall be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Indenture hereby approved.

Section 7. Financing Agreement. In order to provide for the loan of the proceeds of the Series 1981 Bonds to acquire and construct the Project and the payment by the Company of an amount sufficient to pay the principal of and premium, if any, and interest on the Series 1981 Bonds, the Mayor shall execute and deliver in the name and on, behalf of the City, and the City Clerk shall attest, a Financing Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects, or with such changes therein as shall be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Financing Agreement hereby approved.

Section 8. Acceptance of Promissory Note. In connection with the Series 1981 Bonds, the City hereby agrees to accept as security for such Series 1981 Bonds the Promissory Note to be delivered by the Company pursuant to the Financing Agreement.

Section 9. Official Statement. In connection with the sale of the Series 1981 Bonds, the Mayor shall execute and deliver in the name and on behalf of the City, an Official Statement in substantially the form submitted to this Common Council, which is hereby approved in all respects, or with such changes therein as shall be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Official Statement hereby approved.

Section 10. General. The Mayor, City Clerk and such other officers and officials of the City as may be appropriate and each are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver any and all instruments, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and construction of the Project by the Company, the issuance and sale of the Series 1981 Bonds, and the securing of the Series 1981 Bonds under the Indenture.

Section 11. Election. The City hereby elects to have the provisions of Section 103 (b) (6) (D) of the Internal Revenue Code of 1954, as amended, apply to the issue of the Series 1981 Bonds and the Mayor or City Clerk of the City are hereby is authorized, empowered and directed to file such election with the Internal Revenue Service for and on behalf of the City.

Section 12. Bond Ordinance Irrepealable. After the Series 1981 Bonds are issued, this Bond Ordinance shall be and remain irrepealable until the Series 1981 Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 13. Provisions Separable. The provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 14. Conflicting Ordinances. All ordinances, resolutions and orders, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 15. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-136-81 on the 9th day of June, 1981

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BLL NO. S-81-05-31

SPECIAL ORDINANCE NO. S-137-81

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
REVENUE BONDS" (WISE BUSINESS FORMS, INC.
PROJECT) AND APPROVING OTHER ACTIONS
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of WISE BUSINESS FORMS, INC. regarding the financing of proposed economic development facilities consisting of a thirty thousand (30,000) square foot office, warehouse and manufacturing facility for the production and distribution of business forms to be located at the intersection of Merchant Drive and Commodity Drive, in Edgewood Industrial Park, Fort Wayne, Indiana, and the County Plan Commission has commented favorably thereon; and

WHEREAS, the Company is an Indiana corporation and is a wholly owned subsidiary of Wise Business Forms, Incorporated, a Pennsylvania corporation; and,

WHEREAS, Wise Business Forms, Incorporated will be a guarantor of the Company of the financing documents; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on May 29, 1981, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including, (a) Note Purchase Agreement; (b) City of Fort Wayne Economic Development Bond (the "Note"), (c) Mortgage and Security Agreement; (d) Lease; and (e) Assignment of Lease.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Note Purchase Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the Note, the lease of the proceeds of the Note for the acquisition, construction and equipping of such facilities for use by the Company, the payment of the Note by the Company under the Lease, and the securing of said Note by such facilities and on assumption of the Lease under the financing documents complies with the purposes and provisions of I.C. 18-6.4-4.5, and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and in substantially the forms submitted to this Common Council, which are hereby approved in all respects, or with such changes therein as shall be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein. All such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Bond (the "Note") for (Wise Business Forms, Inc. Project) in the total principal amount of \$1,700,000 dated on the _____ day of _____, 1981, and due eleven years from the date of the sale of the Note for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference, which Note will be payable as to principal, premium, if any, and interest from the lease payments made by the Company under the Lease or as otherwise provided in the financing documents. The Note shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such Note to the purchaser thereof at a rate of interest per annum on the Note not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Note authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Note to the Trustee named in the Note Purchase Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchaser thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the Note shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development Revenue Bond (the "Note"), and after the issuance of said Note, the Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as any of said Note or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, STier, Talarico

Nays: None

Absent: ONe

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-137-81 on the 9th day of June, 1981

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-32

SPECIAL ORDINANCE NO. S-138-81

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE BONDS,
SERIES 1981 (YMCA PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of YMCA Project regarding the financing of proposed economic development facilities consisting of a new gym and facilities at 226 East Washington Boulevard, and a new gym and facilities at 5125 Werling Drive, Fort Wayne, Indiana, and the Executive Director of the City Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on May 19, 1981 and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Bonds and certain financing documents including: Loan Agreement and Mortgage and Indenture of Trust.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds

to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-64.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (YMCA PROJECT) in the total principal amount of \$1,300,000, dated June 1, 1981 and shall bear interest per annum at a rate equal to 65% of the prime commercial lending rate of Lincoln National Bank and Trust Company of Fort Wayne, said interest rate to be established initially on June 1, 1981 and adjusted every three months thereafter, due June 1, 1993 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (YMCA PROJECT), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-138-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-14

RESOLUTION NO. R-44-81

A RESOLUTION approving incorporation of
Baer Field Building Corporation

WHEREAS, the City Council has heretofore adopted Resolution R-01-81 finding that a need exists for a hangar/service building facility at Baer Field to be constructed by a not-for-profit corporation and leased to the City for its use.

WHEREAS, Baer Field Building Corporation was incorporated as an Indiana not-for-profit corporation to fulfill said need, and certified copies of the Articles of Incorporation and the By-Laws of said corporation of said corporation have been filed with the Clerk and are presented herewith.

WHEREAS, said corporation has heretofore submitted plans and specifications for said facility, advertised for and taken bids for the construction of the same, and entered into a lease with the City for the rental of said facility when completed, and advertised for and sold bonds for the financing thereof in the sum of \$2,550,000.00 all as provided by law, and which plans and specifications and lease have been heretofore approved by this Council:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WAYNE, AS FOLLOWS:

SECTION 1. That it is hereby determined to be proper and in the public interest to approve the incorporation of the corporation known and designated as Baer Field Building Corporation for the purpose of financing, constructing and equipping said hangar/service facility and leasing the same to the City of Fort Wayne.

SECTION 2. That the Articles of Incorporation and By-Laws of Baer Field Building Corporation, presented to and now before this City Council are hereby approved.

SECTION 3. That the providing for the financing, construction and equipping of such hangar/service facility by Baer Field Building Corporation and the leasing of the same to the City of Fort Wayne is in the public interest of the citizens of this City and it is a proper public purpose for which this City Council agrees to cooperate with Baer Field Building Corporation and to assist it in fulfilling the requirements of all agencies of the Federal, State and City Governments.

SECTION 4. That the issuenace, sale and delivery by Baer Field Building Corporation of bonds designated "Baer Field Building Corporation First Mortgage Bonds", in the aggregate principal amount of \$2,550,000.00, and the mortgaging and encumbering of said facility for the purpose of financing the construction, acquisition, and equipping thereof, is hereby approved.

SECTION 5. That, upon the redemption or retirement of the bonds to be issued by Baer Field Building Corporation, the City of Fort Wayne will accept from Baer Field Building Corporation title to such hangar/service facility free and clear of any and all liens and encumbrances thereon.

SECTION 6. That the City Council approved the following to act as Directors of Baer Field Building Corporation:

James E. Kelley, Frank Heyman, Mark Akers,
Rhonda Andrews and Diane Lindley-Hursh.

SECTION 7. That this Resolution shall be effective upon passage and approved by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Talarico

Nays: One

Stier

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-44-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-01-11 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-16-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. E-2,3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated as RA and R2 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. E2, 3 referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

PARCEL "A"

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the point of intersection of the East right-of-way line of Getz Road with the South line of said Northeast Quarter, said point of intersection being situated 40.0 feet, S 88° - 49' E from the Southwest corner of said Northeast Quarter (bearings in this description are based on an assumed bearing of N 00° - 00' E for the West line of said Northeast Quarter); thence N 00° - 00' E, on an along said East right-of-way line as established in Document #77-5747 and Document #77-5748 in the Office of the Recorder of Allen County, Indiana, being a line situated 40.0 feet (measured at right angles) East of and parallel to the West line of said Northeast Quarter, a distance of 212.75 feet; thence S 88° - 49' E and parallel to the South line of said Northeast Quarter, a distance of 227.6 feet; thence N 00° - 00' E and parallel to said West line, a distance of 162.75 feet to the South line of Lot #17 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West Half of said Northeast Quarter; thence S 88° - 49' E, on and along the South line of said Lot #17 and parallel to the South line of said Northeast Quarter, a distance of 846.7 feet to the Southeast corner of said Lot #17; thence N 00° - 17' E, on and along the East line of said Lot #17, a distance of 195.8 feet to the Northeast corner of said Lot #17; thence N 85° - 15' E, a distance of 305.0 feet; thence S 89° - 20' E, a distance of 404.7 feet; thence S 00° - 40' W, a distance of 294.6 feet; thence S 89° - 43' E, a distance of 380.4 feet to a West line of Westmoor Extended Addition as recorded in Plat Book 22, pages 156-158 in the Office of said Recorder; thence

S 00° - 17' W, on and along said West line of Westmoor Extended Addition, a distance of 317.7 feet to a West corner thereof, being a point on the South line of said Northeast Quarter; thence N 88° 49" W, on and along said South line, a distance of 2159.5 feet to the point of beginning, containing 20,838 acres of land, subject to all easements of record.

PARCEL "B"

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the point of intersection of the East right-of-way line of Getz Road with the South line of said Northeast Quarter, said point of intersection being situated 40.0 feet, S 88° - 49' E from the Southwest corner of said Northeast Quarter (bearings in this description are based on an assumed bearing of N 00° - 00' E for the West line of said Northeast Quarter); thence N 00° - 00' E, on and along said East right-of-way line as established in Document #775747 and Document #77-5748 in the Office of the Recorder of Allen County, Indiana, being a line situated 40.0 feet (measured at right angles) East of and parallel to the West line of said Northeast Quarter, a distance of 212.75 feet; thence S 88° - 49' E and parallel to the South line of said Northeast Quarter, a distance of 227.6 feet; thence N 00° 00' E and parallel to said West line, a distance of 162.75 feet to the South line of Lot #17 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West Half of said Northeast Quarter; thence S 88° - 49' E, on and along the South line of said Lot #17 and parallel to the South line of said Northeast Quarter, a distance of 846.7 feet to the Southeast corner of said Lot #17; thence N 00° - 17' E, on and along the East line of said Lot #17, a distance of 195.8 feet to the Northeast corner of said Lot #17, being the true point of beginning; thence N 00° - 17' E, on and along the East line of Lot #16 in said Pavey's Subdivision, a distance of 172.93 feet to the Eastern terminus of the North right-of-way line of Breconshire Drive as platted in Breconshire, Section 1, a subdivision of Lots #15 and #16 in said Pavey's Subdivision; thence S 89° - 48' - 30" e, a distance of 1087.5 feet to a West line of Westmoor Extended Addition as recorded in Plat Book 22, pages 156-158 in the Office of said Recorder; thence S 00° - 17' W, on and along said West line of Westmoor Extended Addition, a distance of 407.3 feet to a point situated 317.7 feet, N 00° - 17' E from the South line of said Northeast quarter; thence N 89° - 43' W, a distance of 380.4 feet; thence N 00° - 40' E, a distance of 380.4 feet; thence N 00° - 40' E, a distance of 294.6 feet; thence N 89° - 20' W, a distance of 404.7 feet; thence S 85° - 15' W, a distance of 305.0 feet to the true point of beginning, containing 5.891 acres of land, subject to all easements of record.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-16-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-28

SPECIAL ORDINANCE NO. S-139-81

AN ORDINANCE approving a contract for
curbs and Sidewalks Improvement Resolution
No. 5894-81. between the City of Fort
Wayne, Indiana and Hipkind Concrete Corporation
for installation of curbs and sidewalks in the
Northwest Central Neighborhood, Phase IV-B

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 6, 1981, between the City of Fort Wayne Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corporation, Contractor, for:

construction of curbs and sidewalks where needed along: short Street - East side between Spring and Huffman; Geller Street - West side between Spring & Huffman; Barthold Street - East side between Spring & Huffman; Andrew Street - Both sides between Spring and Putnam; Hensch Street - Both sides between Huffman and Putnam Street; and Meridian Street - as needed between Huffman & Putnam. This area is known as the Northwest Central Neighborhood, Phase IV-B,

under Board of Public Works Curbs and Sidewalks Improvement Resolution No. 5894-81, at a total cost of \$56,568.10, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-139-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-26

SPECIAL ORDINANCE NO. S-140-81

AN ORDINANCE approving a contract for curbs and Sidewalks Improvement Resolution No. 5900-81 between the City of Fort Wayne, Indiana, and L.W. Dailey, Inc., Contractor for installation of curbs and sidewalks in the Hanna-Creighton Neighborhood, Phase V project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 19, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and L.W. Dailey, Contractor, for:

Installation of curbs and sidewalks where needed on Lillie Street, East and West sides from Creighton South to Pontiac; and John Street, East and West from Creighton North to Buchanan, this area is also known as Hanna-Creighton Neighborhood, Phase V,

under Board of Public Works Curbs and Sidewalks Improvement Resolution No. 5900-81, at a total cost of \$65,098.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-140-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-27

SPECIAL ORDINANCE NO. S-141-81

AN ORDINANCE approving a contract for curbs, Sidewalks and Street Lighting Improvement Resolution No. 5898-81, between the City of Fort Wayne, Indiana, and L.W. Dailey, Inc., Contractor for installation of curbs, sidewalks and lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 19, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and L.W. Dailey, Inc., Contractor for:

constructing totally new curbs and sidewalks where needed on both sides of West Oakdale Drive from South Wayne to Fairfield Avenue. Also, to construct an underground ornamental street lighting system on West Oakdale Drive from South Wayne to Fairfield Avenue

under Board of Public Works Curbs, Sidewalks and Street Lighting Improvement Resolution No. 5898-81, at a total cost of \$20,253.83, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, STier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 6-9-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-141-81 on the 9th day of June, 1981

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-16

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE authorizing an Agreement by and between the City of Fort Wayne, Indiana and the International Association of Chiefs of Police, Inc. (for the purpose of assessing candidates for the ranks of Captains, Deputy Chiefs, Assistant Chief, and Chief of the Fort Wayne Police Department)

WHEREAS, the City of Fort Wayne deems it desirable and in the best interest of the public to more professionally assess candidates for the ranks of Captains, Deputy Chiefs, Assistant Chief, and Chief of the Fort Wayne Police Department; and

WHEREAS, the International Association of Chiefs of Police, Inc., hereinafter referred to as "IACP", provides such a professional assessment through its "Assessment Center Program".

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby authorized to enter into the annexed Agreement, made a part hereof, with IACP, and that furthermore, under said Agreement, the City is authorized to pay IACE, for services rendered under said Agreement, a maximum sum of Thirty-Seven Thousand Nine Hundred Dollars (\$37,900.00) or any lower sum as determined in said Agreement, and in exchange for said sums paid by the City of Fort Wayne to IACP, said IACP shall provide to the City of Fort Wayne an Assessment Center Program to more professionally assess candidates for the ranks of Captains, Deputy Chiefs, Assistant Chief, and Chief of the Fort Wayne Police Department, Fort Wayne, Indiana.

SECTION 2. That said IACP, for the services to be rendered under said Agreement, annexed hereto as a part hereof, shall be paid according to this Ordinance, subject to all appropriate budgetary provisions.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Two

GiaQuinta, Stier

Nays: Seven

Burns, Eisbart, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Date: 6-23-81

Charles W. Westerman
City Clerk

BILL NO. S-81-06-02

SPECIAL ORDINANCE NO. S-142-81

AN ORDINANCE approving a contract for
Engineering Services between the City
of Fort Wayne, Indiana and Ronald Bonar
and Associates, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Community Development and Planning Department and Ronald Bonar and Associates, Inc. for:

for engineering services for the Broadway
Revitalization Project. The area included
in this Project is both sides of Broadway
from Washington Boulevard to a point
approximately 200 feet south of Martin Street

at a total cost of \$15,000.00, all as more particularly set forth in said Contract which is on file in the Department of Community Development and Planning and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-142-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-05

SPECIAL ORDINANCE NO. S-143-81

AN ORDINANCE approving City Utilities
Purchase Order No. 4-09487 with Todd
Uniform for uniforms for various
departments

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 409487 dated May 14, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Todd Uniform, for:

1981 requirements for uniform rental for
various departments,

at a cost of \$21,922.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-143-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-03

RESOLUTION NO. R-45-81

A RESOLUTION authorizing the temporary advancement of funds from the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund to the General Fund for the period ending December 31, 1981

WHEREAS, it has become necessary to borrow money to enhance the depleted General Fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to transfer the sum of \$8,000,000.00 to the General Fund from the following funds if and when needed:

Electric Utility Fund	\$3,200,000.00
Revenue Sharing Trust Fund	\$2,000,000.00
Motor Vehicle Highway Fund	\$1,500,000.00
Local Road and Street Fund	\$1,300,000.00
TOTAL of transfer	\$8,000,000.00

which said sum shall be returned and repaid to the aforementioned funds on or before December 31, 1981.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-45-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-05-17

GENERAL ORDINANCE NO. G-10-81

AN ORDINANCE amending General Ordinance No. G-04-77 requiring approval of contracts involving expenditure of \$2,000.00 or more by Community Development and Planning Department and Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 1 of General Ordinance No. G-04-77 is hereby amended by adding the following thereto:

Provided that in cases where the proposed acquisition does not exceed \$5,000.00 and meets all of the following criteria:

- (a) is for abandoned residential properties;
- (b) is for properties located in Neighborhood Strategy areas; and
- (c) is to be acquired by the City for rehabilitation through the Lincoln Life Improved Housing Corporation (LLiH)

no such Council approval or ratification will be required.

SECTION 2. This Ordinance shall be in full force and effect upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: Two

Burns, D. Schmidt

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-10-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-04-12

ZONING MAP ORDINANCE NO. Z-17-81

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot #1 in Neuenschwander's Addition to the City of Fort Wayne, Indiana, excepting therefrom the West 20.0 feet thereof taken for Anthony Boulevard right-of-way and further excepting therefrom that part of said Lot #1 presently zoned B-1-B as shown on the Zoning Maps of the City of Fort Wayne, Indiana.

ALSO:

Lot #2 of Neuenschwander's Addition to the City of Fort Wayne, Allen County, Indiana, as recorded to the plat thereof in Plat Book 10, page 51, in the Office of the Recorder of Allen County, Indiana, except the West 15' conveyed to the City of Fort Wayne by Document Number 73-10357,

and the symbols of the City of Fort Wayne Zoning Map No. P31, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-17-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-06

SPECIAL ORDINANCE NO. S-144-81

AN ORDINANCE approving a contract for
Curb, Sidewalk and Drive Improvement
Resolution No. 5899-81 between the
City of Fort Wayne, Indiana and Rieth-
Riley Construction Co., Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 19, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Co., Inc. for:

improvement of curbs, sidewalks and
drive approaches along Kensington
Boulevard from North property line of
Lake Avenue to South property line of
State Boulevard. Also includes new
curbs, driveway approach and yardwalks
on Forest Avenue abutting Lot #12 Ken-
sington Park Addition (2022 Kensington
Boulevard),

under Board of Public Works Curb, Sidewalk and Drive Improvement Resolution No. 589981, at a total cost of \$143,739.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-144-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-07

SPECIAL ORDINANCE NO. S-145-81

AN ORDINANCE approving City Utilities
Purchase Order No. 4-09488 with Badger
Meter, Inc. for equipment for the Water
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 4-09488 dated May 26, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Badger Meter, Inc, for:

the purchase of water meters for the
Water Maintenance and Service Depart
ment. This will be used as the 1981
usage and in compliance with the City's
specifications and with American Water
Works Association standard,

at a cost of \$196,855.40, all as more particularly set forth in said Purchase Order which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-145-81 on the 23rd day of June, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-08

SPECIAL ORDINANCE NO. S-146-81

AN ORDINANCE approving City Utilities
Purchase Order No. 4-09489 with V.R.
Meyers Pump and Supply, Inc. for
materials for the Water Maintenance and
Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 4-09489 dated May 29, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and V.R. Meyers Pump and Supply, Inc., for:

copper pipe for the Water Maintenance
and Service Department,

at a cost of \$22,370.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-146-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-09

SPECIAL ORDINANCE NO. S-147-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-007262 with Allen
County Tractor Sales, Inc. for equipment
for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-007262 dated June 1, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Allen County Tractor Sales, Inc. for:

one tractor with snow plow attachment
for the Filtration Plant,

at a cost of \$9,284.44, all as more particularly set forth in said Purchase Order, which is on file in the

Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the saeme is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-147-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-10

SPECIAL ORDINANCE NO. S-148-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-008481 with Under-
ground Pipe and Valve, Inc. for material
for Water Maintenance & Service

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A008481 dated May 19, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Underground Pipe and Valve, Inc., for:

12 inch Ductile Iron Pipe with gaskets,
wedges and slip joint lubrication for
the Water Maintenance & Service Depart
ment for interconnects between the City's
system and Inbalco system along a state
highway improvement route,

at a cost of \$25,850.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes:: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-23-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-148-81 on the 23rd day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of June, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of June, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-05-33 (AS AMENDED)

SPECIAL ORDINANCE NO. S-149-81

AN ORDINANCE authorizing the establishment
of an Interlocal Cooperative for purpose
of insuring the reliable availability of
quality Advanced Life Support Ambulance
Service, delivered with clinically sound
response time performance and without substantial
interruption

WHEREAS, the City of Fort Wayne has determined that the reliable availability of quality Advance Life Support Ambulance Service, delivered with clinically sound response time performance, is essential to the public health and safety;

WHEREAS, the delivery of such service should not be subject to substantial interruption or deterioration in quality that would endanger the public health and safety;

WHEREAS, the City has found that the financial, technological, and organizational complexities of an Advanced Life Support Service require oversight by a public entity formed for this specific oversight purpose and that same should be governed by qualified individuals appointed to serve in the public interest;

WHEREAS, the City has found that the clinical complexities of an Advanced Life Support Service System require expert and fully informed medical control and clinical evaluation by an authorized body of physicians retained for such purposes;

WHEREAS, the City has determined that the most reliable and most cost effective structure for providing and regulating Advanced Life Support Service is an Ambulance Service System comprising uniform standards for regulation, rate-setting, and general oversight and supervision of operations and one that would be, if at all possible, a combined City-County venture;

WHEREAS, I.C. 16-1-39-15 authorizes and empowers the City to establish, operate, maintain, and/or contract for Emergency Medical Services; and

WHEREAS, I.C. 18-5-.51 et. seq. authorizes and empowers the City to jointly exercise such power with any other governmental unit of this state.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Authority, in conformance with I.C. 18-5-1.5-3, and otherwise, is hereby given to the City of Fort Wayne to enter into the Three Rivers Emergency Medical Services Interlocal Cooperative Agreement, hereinafter referred to as "Agreement", with the County of Allen, State of Indiana, by its Commissioners, said Agreement being attached hereto, as a part hereof, and marked Exhibit "A", and that furthermore, said Agreement (and all terms and conditions thereof) is hereby approved by the Common Council of the City of Fort Wayne pursuant to the terms and conditions of said Agreement, and the City of Fort Wayne is authorized to operate and function under said Agreement, for the purposes stated in said Agreement, regardless of whether or not the County of Allen becomes a party thereto, and that furthermore, the City of Fort Wayne is authorized to be a party to said Agreement, along with any other governmental unit that may subsequently become a party to said Agreement.

SECTION 2. There is hereby created, by ratification of the Agreement, the Three Rivers Emergency Medical Services Interlocal Cooperative, hereinafter referred to as "Cooperative" which shall be organized and which shall function and be managed pursuant to the terms and conditions of the Agreement, and the purposes of the Cooperative are as outlined in said Agreement and shall include, but will not be limited to, the development of an Uniform Ambulance Licensing Ordinance for adoption by the Common Council of the City of Fort Wayne and any other appropriate legislative body of any other member of the Cooperative; and to receive franchise fees for purposes of contracting with a quality Assurance Physicians Group for purposes of providing quality control.

SECTION 3. There is also created, by ratification of the Agreement, the Three Rivers Ambulance Authority hereinafter referred to as "Authority", whose membership, purposes, and functions shall be as provided for in the Agreement, which shall include, but shall not be limited to: The providing (or cause to be provided) of Advanced Life Support services to the jurisdictions referred to in the Agreement; the acquiring and/or leasing of capital equipment required for such services, contracting with the Department of Emergency Medical Services of the City of Fort Wayne at least through December 31, 1982, for the provision and management of professional drivers, paramedics, dispatching services, and maintenance of equipment and miscellaneous duties; the establishment of equitable rates for services rendered by any ambulance service provider as licensed; the billing and attempted collection for services rendered in a manner which will maximize revenues from third party payors (e.g., Medicare, Medicaid, private insurance companies, and the like) and in a manner which prevents the subsidization of services rendered in one jurisdiction from subsidies being provided by another jurisdiction. All persons receiving services from the Emergency Medical Service shall pay for this service if they are financially able to do so; however, people who have no ability to pay the fee will have the cost of EMS Service waived.

SECTION 4. All ordinances and Resolutions of the Common Council of the City of Fort Wayne, or parts thereof, in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Burns

Date: 6-30-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-149-81 on the 30th day of June, 1981.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of July, 1981, at the hour of 2:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 6th day of July, 1981, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-01 (AS AMENDED)

SPECIAL ORDINANCE NO. S-150-81

AN ORDINANCE approving Civil City
Purchase Order No. 4-09470 with
Custom Video Corporation for cable-
casting for the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 409470 dated June 5, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Custom Video Corporation for cablecasting of the City Council meetings at a cost of \$419.23 per regular meeting, \$130.00 per hour for special sessions (Alternate #2) and \$170.00 per meeting for special features (Alternate #2), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved; provided, however, all cablecasting of any City Council meetings shall be from gavel to gavel, in other words, said cablecasting shall be complete and there shall be no deletions from any remarks made in such meetings and no change whatsoever in the complete context of said remarks.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by V. Schmidt seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-150-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-16

SPECIAL ORDINANCE NO. S-151-81

AN ORDINANCE approving a contract between the City of Fort Wayne and Zollner Corporation for fire protection to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated June 1, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Zollner Corporation and the furnishing of fire protection by the Fort Wayne Fire Department to premises of Zollner Corporation outside the city limits, described as follows, to-wit:

All buildings and improvements of Zollner, presently located or hereinafter located on an area which has a frontage of 602.4 feet more or less, along the east right of way line of Coliseum Boulevard South, a north boundary line of 1381 feet more or less, an east boundary line of 765.1 feet more or less, and a south boundary line of 1854 feet more or less.

At a cost to Zollner Corporation of \$6,606.10, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. That this Ordinance shall be effective upon its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Neukols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-151-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-17

SPECIAL ORDINANCE NO. S-152-81

AN ORDINANCE approving a certain bid
document for the purchase of police uniforms
for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain bid document reference number 975 dated January 29, 1981, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Safety and Badger Uniform Company for thirty (30) police uniforms for the Police Department at a total approximate cost of \$16,320.00, all as more particularly set forth in said bid document reference number 975 and Purchase Order Number 4-09469, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-152-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-18

SPECIAL ORDINANCE NO. S-153-81

AN ORDINANCE approving an Agreement to
purchase real estate from Floyd and
Patricia Hood for Water Pollution Control
Maintenance

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated June 2, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Floyd and Patricia Hood, for:

Lot 204 Lewis Addition to the City of
Fort Wayne, Indiana,

for a total cost of \$9,000.00, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-153-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-33

SPECIAL ORDINANCE NO. S-154-81

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE, ALLEN COUNTY TO ISSUE ITS
ECONOMIC DEVELOPMENT FIRST REVENUE BONDS,
SERIES 1981 MARK DOUGLAS, INC. PROJECT AND
APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the MARK DOUGLAS, INC. PROJECT, regarding the financing of proposed economic development facilities consisting of the acquisition, construction and equipping of a site, building, parking lot and related facilities for a funeral home at 4017 Maplecrest Road, Fort Wayne, Allen County, Indiana, and the Allen County Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on June 18, 1981, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: The Mortgage and Indenture of Trust, the Loan Agreement, the Series 1981 Revenue Bond, and a Lease Agreement by and between Mark Douglas, Inc. as Lessor and D.O. McComb & Sons, Inc., as Lessee.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5, and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 186-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Revenue Bonds, Series 1981 (MARK DOUGLAS, INC. PROJECT) in the total principal amount of \$600,000.00, commencing on , 1981, said Bonds mature fifteen years from the date of the sale of the Bonds and bears interest at the rate of sixty percent (60%) of the prime interest rate of Anthony Wayne Bank of Fort Wayne, Indiana (calculated on the basis of a 360-day year consisting of twelve 30-day months), for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (MARK DOUGLAS, INC. PROJECT), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-154-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-30

RESOLUTION NO. R-46-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$250,000.00 ECONOMIC REVENUE BONDS
OF THE CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
(CUSTOM LABEL, INC. PROJECT)
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, CUSTOM LABEL, INC. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the construction, acquisition and equipping of a one story industrial building to be located in Edgewood Industrial Park, Allen County, Indiana (the "Project"); and

WHEREAS, the completion of the Project will result the in the diversification of industry and an increase of approximately 2 job opportunities immediately with an approximate annual payroll of \$24,000.00, and an increase of 10 job opprtunities within the next three years with an approximate annual payroll of \$122,000.00 which result will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirma that the issuance and sale of revenue bonds under the Act in an amount not to exceed \$250,000.00 of the Issuer for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-46-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-31

RESOLUTION NO. R-47-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$900,000.00 ECONOMIC REVENUE BONDS
OF THE CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
(MULLINX PACKAGES, INC. PROJECT)
TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, MULLINX PACKAGES, INC. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the expansion and equipping of a manufacturing facility to be located at 3511 Engle Road, Fort Wayne, Allen County, Indiana (the "Project") and

WHEREAS, the completion of the Project would result in the diversification of industry and an increase of approximately 28 job opportunities immediately, with an approximate annual payroll of \$50,000.00, which result will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds under the Act in an amount not to exceed \$900,000.00 of the Issuer for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-47-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of July, 1981, at the hour of 4:45 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-32

RESOLUTION NO. R-48-81

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$100,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, (CSC REALTY, PROJECT) TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, CSC REALTY (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the completion of the construction of a two-story office building for purposes of acquiring additional space and employment of additional persons, located at 2314 Lake Avenue, Fort Wayne, Allen County, Indiana (the "Project"), which is already under construction as an economic development facility pursuant to prior action by this Council, the Issuer and the Fort Wayne Economic Development Commission; and

WHEREAS, the diversification of industry and an increase of approximately 3-5 job opportunities immediately, with an approximate annual payroll of \$50,000.00 and an increase of 7-10 job opportunities within three years, with an approximate annual payroll of \$100,000.00, which result will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds under the Act in an amount not to exceed \$100,000.00 of the Issuer for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-48-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-03

RESOLUTION NO. R-49-81

A RESOLUTION authorizing payment to various agencies for repair of various equipment

WHEREAS, (1) the following City equipment was damaged in accidents, and (2) insurance monies in reimbursement for such damage has been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to-wit:

<u>EQUIPMENT</u>	<u>INSURANCE PAYMENT</u>	<u>REPAIR AGENCY</u>
Damaged traffic signs and sign materials at various locations throughout the City	\$554.06	3M JDZ5084

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for equipment repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-49-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11: 30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11: 00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-06

RESOLUTION NO. R-50-81

A RESOLUTION authorizing the temporary advancement of funds from the Park Cumulative Building Fund to the Park Improvement Fund for the period ending December 31, 1981

WHEREAS, it has become necessary to borrow money to enhance the depleted Park Improvement Fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of the Park Cumulative Building Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said Park Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to transfer the sum not to exceed \$210,000.00 to the Park Improvement Fund from the Park Cumulative Building Fund if and when needed, which said sum shall be returned and repaid to the aforementioned Park Cumulative Building Fund on or before December 31, 1981.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resoltuion No. R-50-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11: 30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11: 00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-08

RESOLUTION NO. R-51-81

A RESOLUTION determining and establishing that the cost of power for public lighting is an operating expense of the Electric Utility

WHEREAS, the Electric Utility has sufficient lease income to pay this expense, and

WHEREAS, the sole source of revenue of the Electric Utility is the lease consideration paid by Indiana Michigan, and

WHEREAS, General Ordinance G21-75 provides that operating costs of the Electric Utility shall be paid from the lease revenue, and

WHEREAS, public lighting is of benefit to all the citizens of Fort Wayne, and

WHEREAS, public lighting maintenance costs are an expense of the Electric Utility, and

WHEREAS, there is historical precedent of the Electric Utility providing public lighting power.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the cost of public lighting is determined, established, and declared, as a matter of policy, to be an operating expense of the Electric Utility.

2. That the Electric Utility is hereby authorized to honor and pay electric power invoices for public lighting for the remainder of 1981 and ensuing years.

3. That the policy stipulated in this Resolution shall be in full force and effect upon passage of this Resolution and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-51-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-09

RESOLUTION NO. R-52-81

A RESOLUTION authorizing the transfer of funds from Account Number 402-010-019-4111 "Salaries & Wages" to Account Number 402-010-019-4267 "Consultant Services" in the 1981 Budget of the Emergency Medical Services Department

WHEREAS, it has become necessary to transfer funds to Account Number 4020100194267 "Consultant Services" in the 1981 Budget of the Emergency Medical Services Department, for which adequate funds exist in Account Number 4020100194111 "Salaries & Wages", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$35,000.00 to Account Number 402-010-019-4267 "Consultant Services" of the 1981 Budget of the Emergency Medical Services Department.

SECTION 2. That the unappropriated and unexpended balance of Account Number 402-010-019-4111 "Salaries & Wages" is hereby reduced in the amount of \$35,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-52-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-10

RESOLUTION NO. R-53-81

A RESOLUTION approving the filing of an application with the U.S. Department of Housing and Urban Development for an Urban Development Action Grant for Housing Rehabilitation Loan Program

WHEREAS, the Housing and Community Development Act of 1977 authorizes the making of grants of federal funds to eligible units of local government for the purpose of carrying out urban development action projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such urban development action grants by virtue of certain conditions of distress; and

WHEREAS, the Common Council of the City of Fort Wayne deems it to be necessary and in the public interest to seek federal grant funds to help alleviate the conditions of distress that affect the City; and

WHEREAS, the City of Fort Wayne, working with local financial institutions, has proposed a project that appears to be suitable for an urban development action grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the proposed application for an Urban Development Action Grant dated July 31, 1981, entitled Housing Rehabilitation Loan Program is hereby approved.

SECTION 2. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows:

(a) To file said application with the U. S. Department of Housing and Urban Development in accordance with the Department regulations, on or prior to July 31, 1981.

(b) To serve as the authorized representative of the City of Fort Wayne in connection with the application and to provide HUD with such additional information documentation, understandings, or assurances as may be required.

(c) To execute such other documents as may be required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments, recisions and revisions thereto.

(d) The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board of commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-53-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-03-17

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-19

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974, and the symbols of the City of Fort Wayne Zoning Map No. R19, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Lots Numbered One (1) and Two (2)
in Edward H. Hoevel's First Addition
to the City of Fort Wayne.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. LOST, by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 7-14-81

Charles W. Westerman
City Clerk

BILL NO. Z-81-03-36

ZONING MAP ORDINANCE NO. Z-18-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. U-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. U-18, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

q Lot 1 Georgetown Area Professional
according to the recorded plat
thereof in the Office of the Recorder
of Allen County, Indiana, and the use
of common area facilities incidental
thereto.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: One

Stier

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-18-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-05-03

ZONING MAP ORDINANCE NO. Z-19-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot 9 Georgetown Area Professional
Village Amended,

and the symbols of the City of Fort Wayne Zoning Map No. U-18, referred to therein, established by Section 33-11 of said Chapter are hereby changed according.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: One
Stier

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-19-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-05-04

ZONING MAP ORDINANCE NO. Z-20-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot Number 53 in Bond's Third Addition to the City of Fort Wayne, Allen County, Indiana, according to the recorded plat thereof in the Office of the Recorder of Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. L2, referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-20-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-05-20

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. M-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974.

The West 82 1/2 feet of Lot 1 in Fox's Subdivision of Cour's Subdivision of Barnett's Out Lots 10 and 13 in the City of Fort Wayne, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. M-7, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 7-14-81

Charles W. Westerman
City Clerk

BILL NO. Z-81-05-21

ZONING MAP ORDINANCE NO. Z-21-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. Q-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

All of Lots #1, #2, #3, #4, #5, and #6 in the plat of Out Lots by C.B. Oakley as recorded in Deed Record 48, page 453 in the Office of the Recorder of Allen County, Indiana, together with part of the West Half of the West Half of the Southeast Quarter of Section 31, Township 31 North, Range 13 East, Allen County, Indiana, all being more particularly described as follows, to-wit:

Beginning on the South line of said Southeast Quarter at its point of intersection by the Southerly projection of the West right-of-way line of Beacon Street, as it presently exists, said point of intersection being situated 20.0 feet West of the Southeast corner of the West Half of said Southeast Quarter, said Southeast corner being also the Southeast corner of Lot #1 in said C.B. Oakley's Out Lots; thence N 90° - 00' W, on and along said South line, being also the South line of said Lots #1, #2, and #3, being also the centerline of Lake Avenue (formerly Maysville Road), a distance of 851.0 feet to a point situated 450.0 feet S 90° - 00' E from the Southwest corner of said Southeast Quarter; thence N 00° - 22' W and parallel to the West line of said Southeast Quarter, a distance of 484.0 feet; thence N 90° - 00' W and parallel to said South line, a distance of 450.0 feet to said West line; thence N 00° - 22' W, on and along said West line, a distance of 741.5 feet to the point of intersection of the South terminus of Carew Street as opened by Declaratory Resolution #1017-1959, said point of intersection being also the Southeast corner of Lot #8 in Mary Jane Randall's Subdivision as recorded in Deed Record 106, pages 106 and 107 in the Office of the Recorder of Allen County, Indiana; thence S 89° - 46' E and parallel to the North line of said Southeast Quarter, a distance of 170.0 feet; thence N 00° - 09' E and parallel to the centerline of Carew Street, a distance of 360.0 feet; thence N 89° - 46' W. and parallel to the North line of said Southeast Quarter, a distance of 145.0 feet to the East right-of-way line of Carew Street; thence N 00° - 09' E, on and along said East right-of-way line, a distance of 408.5 feet to the point of intersection of said East right-of-way line with the South line of the North Half of the Northwest Quarter of said Southeast Quarter; thence S 89° - 44' E, on and along said South line and the North line of Lot #6 in C.B. Oakley's Out Lots, a distance of 1280.3 feet to the aforesaid West right-of-way line of Beacon Street; thence S 00° - 03' E, on and along said West right-of-way line, being a line situated 20.0 feet (measured at right angles) West of and parallel to the East line of the West Half of said Southeast Quarter, said East line being also the East line of C.B. Oakley's Out Lots, a distance of 1988.0 feet to the point of beginning, containing 53.031 acres of land, subject to legal right-of-way for Lake Avenue.

EXCEPTING THEREFROM:

Part of the west half of the southeast quarter of section 31, township 31 north, range

13 east, Allen County, Indiana, all being particularly described as follows, to-wit:

Starting at the southwest corner of the southeast quarter of section 31, township 31 north, range 13 east, Allen County, Indiana, said point being at the center of Lake Avenue 1301.0 feet due west of the center of Beacon Street, thence N 0° - 22' W along the west line of said southeast quarter for a distance of 484.0 feet to a point of beginning at the southwest corner of the parcel, thence continue N 0° - 22' W along the west line of said southeast quarter for a distance of 741.5 feet; thence S 89° - 46' E for a distance of 170.0 feet; thence N 0° - 09' E a distance of 360.0 feet; thence S 89° - 16' E along the north side of the parcel a distance of 230.0 feet; thence N 0° - 09' E in a southerly direction along the east side of the parcel a distance of 360.0 feet; thence S 89° - 46' E a distance of 50.0 feet; thence N 0° - 22' W in a southerly direction along the east side of the parcel a distance of 741.5 feet; thence N 90° - 0' W along the south side of the parcel a distance of 450.0 feet to the point of beginning, containing 9.31 acres of land more or less.

and the symbols of the City of Fort Wayne Zoning Map No. Q-14, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-21-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-05-23

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. M-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

The North Ninety-five (95) feet of Lot Numbered Three Hundred Fifty-One (351) in Hamilton's Fourth Addition to the City of Fort Wayne, Allen County, Indiana, and also Lot Three Hundred Fifty-Two (352) in Hamilton's Fourth Addition to the City of Fort Wayne, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. M-3, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: One
D. Schmidt

Nays: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Date: 7-14-81

Charles W. Westerman
City Clerk

BILL NO. Z-81-05-25

ZONING MAP ORDINANCE NO. Z-22-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. Q-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot "A" in Bradtmillers Addition to the
City of Fort Wayne, Indiana, more commonly
known as 3106 Lake Avenue,

and the symbols of the City of Fort Wayne Zoning Map No. Q10, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: One
Stier

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-2281 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-40

DECLARATORY RESOLUTION NO. R-54-81

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated April 10, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lot Number 14 in Hanna-Creighton Subdivision, Section 2, an Addition to the City of Fort Wayne, Indiana, according to the plat thereof recorded in Plat Record 31, Pages 88-90, in the Office of the Recorder of Allen County, Indiana.

WHEREAS, it appears that said Petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1

SECTION 2. That the foregoing is subject to:
(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.
(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 7-14-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-54-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. R-81-05-05

DECLARATORY RESOLUTION NO. R-55-81

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated May 6, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.-12.1, to-wit:

Lots 506 and 507, Hanna's Addition
to the City of Fort Wayne, Indiana,

located at and commonly known as:

229 West Berry Street
Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation
by the Fort Wayne Redevelopment Commission,
after due hearing, analysis and study in
accordance with the provisions of Division
6, Article II, Chapter 2 of the Municipal
Code of the City of Fort Wayne, Indiana
of 1974.

(b) Final confirmation hereof by due passage
upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Burns

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-55-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-80-11-10

GENERAL ORDINANCE NO. G-11-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of Dodge Avenue

WHEREAS, (1) a petition to vacate a portion of Dodge Avenue (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1979 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the petition filed herein, copy of which is attached and made a part hereof, for vacating:

Dodge Avenue between Inwood Drive
and U.S. #30

and which would amend the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby authorized and approved.

SECTION 2. That by reason of this authorization, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-20

SPECIAL ORDINANCE NO. S-155-81

AN ORDINANCE approving a contract for
Curbs and Sidewalks Resolution No. 5902-81,
Nebraska Neighborhood, Phase VI, between
the City of Fort Wayne, Indiana, and Rieth-Riley
Construction Company, Inc. for curbs
and sidewalks improvement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 6, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rieth-Riley Construction Company, Inc. for:

Curbs and sidewalks improvement for the Nebraska Neighborhood, Phase VI project also known as: (1) Perry Avenue, from the last house at Southern end on both sides to Illinois; (2) Watkins Street, from the last house at Southern end on both sides to Main; (3) Illinois Street both sides from Perry to Watkins; (4) Mechanic, both sides; (5) Center Street, both sides to Main Street; (6) Cherry Street, both sides from Camp Allen Drive; (7) Elm Steet, both sides from Mechanic to Camp Allen; (8) Huron Street,

under Board of Public Works Curbs and Sidewalks Improvement Resolution Number 590281, at a total cost of \$111,394.20, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect, from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. 155-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-21

SPECIAL ORDINANCE NO. S-156-81

AN ORDINANCE approving Change Order No.
14 for Contract 77-W-2 for the Water
Works Filtration Plant Additions.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 14 to McNamee, Porter & Seeley Consulting Engineers, in connection with the Water Works Filtration Plant, for:

(1) Adds bracing to the monorail frame for lifting the carbon dioxide burners; (2) Will alarm high and low levels in the carbon slurry feeders, will make the equipment more compatible with the current operations of the plant; (3) Changes the new welding circuits to be compatible with the city's existing equipment as requested, (4) Is a circuitry change recommended by the pneumatic conveyor supplier to prevent damage to the various diverter valves,

in the amount of \$7,704.10, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-156-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-22

SPECIAL ORDINANCE NO. S-157-81

AN ORDINANCE approving Civil City
Purchase Order No. A-008640 with
Allen County Motors, Inc. for a
vehicle for the Street Lighting
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-008640 dated June 5, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Allen

County Motors, Inc. for the purchase of a one ton chassis and one pick up truck for the Street Lighting Department, at a cost of \$12,399.68, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-157-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-23

SPECIAL ORDINANCE NO. S-158-81

AN ORDINANCE approving a contract for
Water Improvement Resolution 1022-81,
between the City of Fort Wayne, Indiana,
and T-G Excavating, Inc. for the installation
of a water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 10, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T-G Excavating, Inc. for:

an 8" water main on Decatur Road to Sylvia Avenue; then a 6" water main on Sylvia Avenue Westward to the West property line of Lot #66; on Gary Street from Sylvia Avenue South to the South right-of-way of Seddlemeyer Avenue; on Seddlemeyer from Gary Street East to the East property line of Lot #55; then North through a 20 foot strip of land adjacent to the East property line of Lots #55 and 56 to Sylvia Avenue, and an additional 535 + LF of 6" water main from the South right-of-way line of Seddlemeyer Avenue to U.S. #27, then Southeasterly to an existing 6" valve on U.S. #27 located just North of Tillman Road,

under Board of Public Works Water Improvement Resolution Number 1022-81, at a total cost of \$67,673.35, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-158-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-24

SPECIAL ORDINANCE NO. S-159-81

AN ORDINANCE approving Change Order
No. 1, St. Joe Study Area, Sewer
Improvement Resolution No. 312-80, Federal
Grant No. C-18-599-06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Weitzel Construction, Contractor, in connection with the St. Joe Study Area Project, for:

This change is due to excessive
fluid ground conditions,

in the amount of \$118,071.00, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-159-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-25

SPECIAL ORDINANCE NO. S-160-81

AN ORDINANCE approving Change Order
No. 1 St. Joe Study Area, Sewer
Improvement Resolution 314-80, Phase II,
Federal Grant #C-180599-06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Bercot, Inc. in connection with the St. Joe Study Area, Project for:

the utilization of opened trench cut
operations as requested by County
Commissioners in lieu of boring operations,

in the amount of \$2,463.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmiot, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-160-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-26

SPECIAL ORDINANCE NO. S-161-81

AN ORDINANCE approving Change Order
No. 1, St. Joe Study Area, Sewer
Improvement Resolution 310-80, Phase
IV, Federal Grant #C-180599-06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Rocco, Ferrera & Co., Inc. in connection with St. Joe Study Area Project, for:

due to additional requirements of
the Department of Natural Resources
regarding the St. Joe River crossing,

in the amount of \$32,948.56, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-161-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-27

SPECIAL ORDINANCE NO. S-162-81

AN ORDINANCE approving Change Order No.
1, St. Joe Study Area, Sewer Improvement
Resolution 310-80, Phase III, Federal
Grant #C-180599-06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Joe R. Norman Contractor, Inc. in connection with the St. Joe Study Area Project, for:

replacement of an existing 12"
waterline. This became apparent
during the course of construction,

in the amount of \$3,975.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as ~~Special~~ Ordinance No. S-162-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-28

SPECIAL ORDINANCE NO. S-163-81

AN ORDINANCE approving Change Order
No. 1, North Maumee Study Area,
Resolution 330-80, Phase II, Federal
Grant Number C-180599-07

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to John Dehner, Inc. in connection with the North Maumee Study Area Project, for:

special construction techniques and
material used because quick sand type
ground conditions were encountered for
a distance of 2,100 feet during
installation of sewer,

in the amount of \$203,980.27, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-163-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-06-29

SPECIAL ORDINANCE NO. S-164-81

AN ORDINANCE approving Change Order
No. 15 for Contract No. 77-W-2 for the
Water Works Improvement Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 15 to McNamee, Porter & Seeley, Consulting Engineers, in connection with the Water Works Improvement Filtration Plant, for:

(1) Adds bracing to the monorail frame for lifting the carbon dioxide burners; (2) Is to alarm high and low levels in the carbon slurry feeders, will make the equipment more compatible with the current operations of the plant; (3) Changes the new welding circuits to be compatible with the city's existing equipment as requested; (4) Is a circuitry change recommended by the pneumatic conveyor supplier to prevent damage to the various diverter valves,

in the amount of \$1,715.00, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-164-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-04-23

ANNEXATION ORDINANCE NO. X-03-81

AN ORDINANCE annexing certain territory
commonly known as Country Club Annexation
to Fort Wayne, and including the same in
Councilmanic District No. 4

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Beginning at the intersection of the west right-of-way line of Ardmore Avenue and the north right-of-way line of Engle Road; thence follow the present corporate limits east along north right-of-way line of Engle Rd. to the intersection of the northerly right-of-way line of the Norfolk & Western R.R.; thence N.E. along the northerly right-of-way of said R.R. to the north-south center line of Sec. 16, T 30 N, R 12 E; thence north along north-south center line of said Sec. 16 to the intersection of the south right-of-way line of Nuttman Avenue (Dutch Road); thence east along said south right-of-way line to the intersection of the projected east right-of-way line of Freeman St.; thence north along the projected east right-of-way line of Freeman St. and the east right-of-way line of Freeman Street to the intersection of an east-west line parallel to and 251' north of the south section line of Section 9, T 30 N, R 12 E; thence west along this east-west line parallel to and 251' north of the south section line of said Sec. 9 to the intersection of the west right-of-way line of Ardmore Avenue; thence south along the west right-of-way line of Ardmore Avenue to the south right-of-way line of Covington Rd.; thence west along the south right-of-way line of Covington Rd. to the east right-of-way line of South Bend Drive; thence south-west along the east right-of-way line of South Bend Drive to its intersection with the projected west right-of-way line of Fairway Drive; thence south along the projected west right-of-way line of Fairway Drive as well as the west right-of-way of Fairway Dr. to the south right-of-way line of Richland Drive, thence south-west along the south right-of-way line of Richland Drive to the northwest corner of lot 199 in Country Club View Addition; thence south along the west line of lot 199 and lots 200 through 211 of Country Club View Addition to the north line of Langford Oaks Addition, Section A Extended, this also being the south-west corner of Lot 211 of Country Club Addition; thence east along said north boundary of Langford Oaks Addition, Section A Extended to the southwest corner of Rousseau's Country Club Addition; thence east along south boundary of Rousseau's Country Club Addition and extended to the east right-of-way line of Smith Rd., this also being the north right-of-way line of Langford Lane; thence south along the east right-of-way line of Smith Road to the north right-of-way line of Engle Road; thence east along the north right-of-way line of Engle Road to the west right-of-way line of Ardmore Avenue the point of beginning. An area of approximately 1066 acres.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year from the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to area within the City which have similar topography, patterns of land utilization,

and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-03-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-04-24

RESOLUTION NO. R-56-81

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Country Club Annexation Area

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed area; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Country Club Annexation Area, more specifically described, to-wit:

Beginning at the intersection of the west right-of-way line of Ardmore Avenue and the north right-of-way line of Engle Road; thence follow the present corporate

limits east along north right-of-way line of Engle Rd. to the intersection of the northerly right-of-way line of the Norfolk & Western R.R.; thence N.E. along the northerly right-of-way of said R.R. to the north-south center line of Sec. 16, T 30 No. R 12 E; thence north along north-south center line of said Sec. 16 to the intersection of the south right-of-way line of Nuttman Avenue (Dutch Road); thence east along said south right-of-way line to the intersection of the projected east right-of-way line of Freeman St.; thence north along the projected east right-of-way line of Freeman St. and the east right-of-way line of Freeman Street to the intersection of an east-west line parallel to and 251' north of the south section line of Section 9, T 30 N, R 12 E; thence west along this east-west line parallel to and 251' north of the south section line of said Sec. 9 to the intersection of the west right-of-way line of Ardmore Avenue; thence south along the west right-of-way line of Ardmore Avenue to the south right-of-way line of Covington Rd., thence west along the south right-of-way line of Covington Rd. to the east right-of-way line of South Bend Drive; thence south-west along the east right-of-way line of South Bend Drive to its intersection with the projected west right-of-way line of Fairway Drive; thence south along the projected west right-of-way line of Fairway Drive as well as the west right-of-way of Fairway Dr. to the south right-of-way line of Richland Drive; thence south-west along the south right-of-way line of Richland Drive to the northwest corner of lot 199 in Country Club View Addition, thence south along the west line of lot 199 and lots 200 through 211 of Country Club View Addition to the north line of Langford Oaks Addition, Section A Extended, this also being the southwest corner of Lot 211 of Country Club Addition; thence east along said north boundary of Langford Oaks Addition, Section A Extended to the southwest corner of Rousseau's Country Club Addition; thence east along south boundary of Rousseau's Country Club Addition and extended to the east right-of-way line of Smith Rd., this also being the north right-of-way line of Langford Lane; thence south along the east right-of-way line of Smith Road to the north right-of-way line of Engle Road; thence east along the north right-of-way line of Engle Road to the west right-of-way line of Ardmore Avenue the point of beginning. An area of approximately 1066 acres.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Country Club annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R56-79 with regard to the provision of non-capital and capital services to the annexation area.

2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

4. Said plan is hereby approved and adopted by the Common Council and shall be in full force upon the effective date of Country Club annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 7-14-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-56-81 on the 14th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July,

1981, at the hour of 11: 30 o'clock A.M., E.S.T.,

Charles W. Westerman
City Clerk

Approved and signed by me this 20th day of July, 1981, at the hour of 11: 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-01

SPECIAL ORDINANCE NO. S-165-81

AN ORDINANCE approving a certain bid
document for the purchase of two vans
for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 993 dated June 18, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Allen County Motors, Inc. for two (2) 1981 Ford Model E250 Vans at a total approximate cost of \$17,512.00, all as more particularly set forth in said bid document reference number 993 and Purchase Order Number A004718, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-165-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1: 00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11: 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-02

SPECIAL ORDINANCE NO. S-166-81

AN ORDINANCE AUTHORIZING THE CITY
OF FORT WAYNE, TO ISSUE ITS ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE
BONDS, SERIES 1981 (PINES OF AMERICA, INC.)
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the PINES OF AMERICA, INC. Project, regarding the financing of proposed economic development facilities consisting of the acquisition and equipping of a 47,600 square foot manufacturing and warehousing facility located at 5020 Investment Drive with the City limits of Fort Wayne, Allen County, Indiana, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on July 2, 1981, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 186-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: the Loan Agreement, the Mortgage and Indenture of Trust, and the Series 1981 Revenue Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5, and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to I.C. 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (PINES OF AMERICA, INC.) in the total principal amount of \$890,000, dated June 1, 1981, and due on June 1, 2001 at the rate of eleven and one-half percent (11-1/2%) per annum, on June 1, and December 1 of each year, commencing December 1, 1981, until said principal sum is paid, except as to the provisions set forth in the Financing Agreement with respect to redemption prior to maturity may become applicable hereto, provided that interest shall be due on any overdue and unpaid amounts at the prime rate of interest established by the Lincoln National Bank and Trust Company of Fort Wayne, for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (PINES OF AMERICA, INC.), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely

affect the rights of such holders so long as any of said bonds or the interest thereon remains paid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, NUCKOLS, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-166-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-11

RESOLUTION NO. R-57-81

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF \$1,600,000
ECONOMIC REVENUE BONDS OF THE CITY OF FORT
WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING
THE APPLICANT, (PRT CORP.) TO PROCEED
WITH THE ACQUISITION OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, PRT CORP. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the acquisition of an existing facility and equipment located at 1140 Heyden Street, within the City limits of Fort Wayne, Allen County, Indiana (the "Project"); and

WHEREAS, the completion of the Project will result in the diversification of industry and an increase of approximately 30 new job opportunities, with an annual payroll of approximately \$300,000, to be created within three years thereafter, which will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition of the Project will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds under the Act, in an amount not to exceed \$1,600,000 of the Issuer for the acquisition of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition of the Project will permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-57-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-12

RESOLUTION NO. R-58-81

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$3,750,000 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT,
(REALAMERICA HOMES, INC.) TO PROCEED WITH
THE ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, REALAMERICA HOMES, INC. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the acquisition, construction and equipping of medical offices and support facilities to be located at 2410 Lake Avenue, within the City limits of Fort Wayne, Allen County, Indiana (the "Project"); and

WHEREAS, the completion of the Project will result in the diversification of industry and an increase of approximately 28 new job opportunities, with an annual payroll of approximately \$420,000, which will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds under the Act, in an amount not to exceed \$3,750,000 of the Issuer for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-58-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-13

RESOLUTION NO. R-59-81

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,000,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, (HELFRUECHNING REALTY PARTNERSHIP) TO PROCEED WITH THE ACQUISITION, REMODELING, RENOVATION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, remodeling, renovation, and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, HELFRUECHNING REALTY PARTNERSHIP (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer sell or lease economic development facilities to the Applicant or loan proceeds of an economic development financing to the Applicant for the same purpose, said economic development facility to be the purchase, remodeling, renovation and equipping of an existing building and adjoining parking located at 229 East Berry Street, within the City limits of Fort Wayne, Allen County, Indiana (the "Project"); and

WHEREAS, the completion of the Project will result in the diversification of industry and an increase of approximately 6 new job opportunities, with an annual payroll of approximately \$50,000 immediately, and 10 new job opportunities with an annual payroll of approximately \$130,000 within three years thereafter, which will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it appears to this Council that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, remodeling, renovation and equipping of the Project will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds under the Act, in an amount not to exceed \$1,000,000 of the Issuer for the acquisition, remodeling, renovation and equipping of the Project and the sale or leasing of the Project to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, remodeling, renovation and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, remodeling, renovation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date : 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-59-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-02-06

ZONING MAP ORDINANCE NO. Z-23-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 33 & 34 in Curdes Homewood Addition.

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-23-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-04-38

ZONING MAP ORDINANCE NO. Z-24-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots #32 in Curdes Homewood
Addition,

and the symbols of the City of Fort Wayne Zoning Map No. S-10 referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-24-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-05-22 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-25-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map N-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 103, 104, 105 and 121
Highland Park Forest Addition,

and the symbols of the City of Fort Wayne Zoning Map No. N26, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-25-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-19

SPECIAL ORDINANCE NO. S-167-81

AN ORDINANCE approving a contract for
Curb and Sidewalk Improvements Resolution
No. 5903-81, between the City of Fort
Wayne, Indiana, and Hipkind Concrete
Corporation for installation of new
curbs and sidewalks and underground street
lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 17, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipkind Concrete Corporation for:

installation of new curbs and sidewalks
in the Northwest Central Neighborhood
Phase V area, also known as:

(1) Second Street - the North and South
sides from Clark on the West to alley
West of Wells Street

Also the installation of underground
ornamental street lighting system on the
South side of High Street from Barthold
on the West to the alley West of Wells
Street,

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 590381, at a total cost of \$55,780.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-167-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-20

SPECIAL ORDINANCE NO. S-168-81

AN ORDINANCE approving Change Order
Number 1 in connection with the
Creighton Avenue Capital Improvement
Resolution 5896-81

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 1 to Rieth-Riley Construction Company, in connection with the Creighton Avenue Capital Improvement Resolution 5896-81, for:

at the time the deteriorated sidewalk
was removed, Street Engineering discovered
a void measuring 25 feet by 6 feet by 8 feet
(deep) which had to be filled with gravel
and sand, and also a 20 feet by 8 feet by
2 feet retaining wall had to be built to
strengthen the basement wall to withstand
soil pressure and subsequent collapse of
the building above,

in the amount of \$2,450.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-168-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-21

SPECIAL ORDINANCE NO. S-169-81

AN ORDINANCE approving a Contract for infiltration/inflow analysis between the City of Fort Wayne, Indiana, and E.S.E.I., Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated June 17, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and E.S.E.I., Inc. for:

the infiltration/inflow analysis and report for the St. Joseph Township Sewer System. They have detailed proposal presentation, have experience doing infiltration/ inflow work and have completed work for the City of Fort Wayne,

at a total cost of \$22,895.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-169-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-23

SPECIAL ORDINANCE NO. S-170-81

AN ORDINANCE approving Change Order Number 17 in connection with the Water Works Improvement Filtration Plant Additions, Contract 77-W-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 17 to Hagerman Construction Company and Shambaugh & Sons, Inc., in connection with the Water Works Improvement Filtration Plant Additions, Contract 77W-2, for:

(1) the existing rubber lining on the 10 - 16" valves has become loose and interferes with the operations of the valves. These valves were originally installed in the 1956 Plant expansion.

(2) Existing clay tile floor is cracked, chipped and uneven due to expansion and contraction. This poses a safety hazard to the employees,

in the amount of \$20,089.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-170-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-24

SPECIAL ORDINANCE NO. S-171-81

AN ORDINANCE approving City Utilities
Purchase Order Number A-008687 with
Westvaco for office supplies for Office
Services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order Number A008687, dated June 11, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Westvaco, for:

standard window and remittance
envelopes for the Office Services
Department,

at a cost of \$11,607.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-171-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-25

SPECIAL ORDINANCE NO. S-172-81

AN ORDINANCE approving Addendum
Number 4 in connection with the
Combined Sewer Overflow for the
City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Addendum Number 4 to Reid, Quebe, Allison, Wilcox and Associates, Inc. in connection with the Combined Sewer Overflow, for:

an intensified effort to calibrate the Combined Sewer Overflow computer Model so that the City of Fort Wayne could justify to the U.S. EPA the Lakeside Interceptor Project,

in the amount of \$31,177.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-172-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-26

SPECIAL ORDINANCE NO. S-173-81

AN ORDINANCE approving Addendum
Number 3 in connection with the
Combined Sewer Overflow for the
City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Addendum Number 3 to Reid, Quebe, Allison, Wilcox and Associates, Inc. in connection with the Combined Sewer Overflow, for:

extension of time for completion of the Combined Sewer Overflow Project due to the circumstances beyond the control of the Engineer and the City. The Engineers have been unable to calibrate the river models due to a lack of rainfall in the time anticipated,

in the amount of \$47,461.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-173-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-27

SPECIAL ORDINANCE NO. S- 174-81

AN ORDINANCE approving Change Order
Number 26 in connection with the Water
Pollution Control Plant Expansion,
Division 1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 26 to Hagerman Construction Company and Shambaugh & Sons, Inc. in connection with the Water Pollution Control Plant Expansion, Division 1, for:

reinforcement for stormwater discharge channels; setting of switchgear relays; to provide new conduit system in lower pipe gallery and relocation of existing conduit; cost of electrical works for relocation of existing three (3) inch PVC water line; and a 120 VAC service and sump pump,

in the amount of \$20,256.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-174-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-28

SPECIAL ORDINANCE NO. S-175-81

AN ORDINANCE approving Change Order
Number 27 in connection with the Water
Pollution Control Plant Expansion,
Division 1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 27 to Hagerman Construction Company and Shambaugh & Sons, Inc. in connection with the Water Pollution Control Plant Expansion, Division I, for:

the payment of the overhead costs for
365 days of extension beyond the 156 days as provided in the approved Change Order
Number 18, also, said Change Order provides for the removal of the credit extended
in Change Order Number 23 for reduction of conduit and wire size to the 300 HP blower,

in the amount of \$169,919.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-175-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-29

SPECIAL ORDINANCE NO. S-176-81

AN ORDINANCE approving Change Order
Number 16 in connection with the
Water Works Filtration Plant Additions,
Contract 77-W-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 16 to Hagerman Construction Company and Shambaugh & Sons, Inc. in connection with the Water Works Filtration Plant Additions, Contract 77-W-2, for:

extension of time of 88 calendar days
to extend from the original completion
date of June 29, 1981, to September 25,
1981 at no change in the contract amount.
The Change Order is due to delays due to
strikes of the craft unions in 1979 and
1980,

as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-1-76-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-30

SPECIAL ORDINANCE NO. S-177-81

AN ORDINANCE approving Change Order
Number 25 in connection with the
Water Pollution Control Plant Expansion,
Division 1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 25 to Hagerman Construction Company and Shambaugh & Sons, Inc., in connection with the Water Pollution Control Plant Expansion, Division 1, for:

the providing of independent ventilation of the engine generator enclosures and the blower enclosures thereby permitting simultaneous operation of two 300 HP blowers and one engine generator. Also said change order provides for a credit for the air conditioner in the aeration control room because unit is not compatible with major remodeling project designed for advanced wastewater treatment Phase A construction project,

in the amount of \$121,170.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-177-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-07-22

GENERAL ORDINANCE NO. G-12-81

AN ORDINANCE amending Section 31-20
of the Code of the City of Fort Wayne,
Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 31-20 of the Code of the City of Fort Wayne, Indiana, is hereby amended to read as follows:

Section 31-20:

"All charges for water services levied pursuant to this Chapter shall be due and payable on or before the due date stated on the bill, which due date shall be approximately fifteen days after the bill is rendered. Any water service charge not paid by the due date shall be subject to a collection or deferred payment charge of ten percent on the first three dollars and three percent on the excess over three dollars."

SECTION 2. That this Ordinance shall be feffective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-28-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-81 on the 28th day of July, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-42

RESOLUTION NO. R-60-81

A RESOLUTION of appreciation for services
rendered by Jim Ross as Airport Manager
of Baer Field

Jim Ross has been Airport Manager of Baer Field for thirtyfive (35) years;

He has retired from his lengthy airport management career effective June 30, 1981, but will remain as a consultant in matters relating to the Federal Aviation Administration and the Indiana Aeronautics Commission for the remainder of the year 1981;

He has been in charge of the management of Baer Field from its early days when it was jointly used by the City and Army Air Force. He has been actively engaged in the building of Baer Field to a point where it now can accomodate aircraft of size and weight far in excess of its early capacity;

He has watched the rapidly growing changes in commerical aviation at Baer Field and kept abreast of its transition due to changes in scheduling of major airlines;

He has been in effect the landlord managing the many leases of properties at the airport and has been responsible for management and payment of funds to improve the airport to its present position, but above all he has an enviable record of safety which he has constantly instilled in all of the many personnel connected with the operation of Baer Field;

Fort Wayne will truly miss the operational genius of Jim Ross.

BE IT THEREFORE RESOLVED that the Common Council of the City of Fort Wayne, Indiana, does hereby make a matter of public record its appreciation to a devoted public servant, and able administrator and does extend its best wishes for his continued good health and happy days.

Paul M. Burns

Mark E. GiaQuinta

Donald J. Schmidt

James S. Stier

Samuel J. Talarico

Vivian G. Schmidt

John Nuckols

Ben A. Eisbart

Roy J. Schomburg

Charles W. WEsterman

Win Moses, Jr.

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy, assistant, departmental and institutional head of the Civil City of Fort Wayne, Indiana for the year 1982.

WHEREAS, the Mayor and the Common Council of the City of Fort Wayne, Indiana, have assigned to each employee of the Civil City of Fort Wayne a Labor Grade in accordance with the principles of the City Classification System originally established by Ordinance No. S-34-73 and subsequently modified and improved, which grades should accurately reflect the duties and responsibilities of said employees; and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each labor grade in a systematic way, reflecting sound compensation planning and effects of competitive pressures, and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable and provide an incentive for persons to seek and hold employment with the City of Fort Wayne, and

WHEREAS, the funds for such salaries are to be provided from the 1982 City Budget and other sources as may be specified by the Common Council.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That all employees of the Civil City of Fort Wayne, Indiana shall be classified by the departments, titles and labor grades herein designated, and that no change shall be made in any labor grade without the specific approval of the Common Council.

SECTION 2. That the following scale of Maximum Salaries is hereby fixed and authorized as a ceiling for approved labor grades. This maximum will not be exceeded, except for approved shift differentials, overtime pay, and bonuses or technical skill pay specifically enumerated in this ordinance or in an amendment to this ordinance or collective bargaining agreement approved by the Common Council:

<u>LABOR GRADE</u>	<u>MAXIMUM SALARY</u>
1	\$10,000
2	11,250
3	12,500
4	13,750
5	15,000
6	16,250
7	17,500
8	18,750
9	20,000
10	21,250
11	22,500
12	23,750
13	25,000
14	26,250
15	27,500
16	28,750
17	30,000
18	31,250
19	32,500

This scale is an attempt to reinstate an orderly, consistent and competitive pay policy and is based upon the application of results of a salary survey conducted in June, 1981 and a formula which generates a linear progression of maximum salaries. It is not designed to indicate actual salary increases programmed for 1982. These actual increases will result from a general distribution of funds available and as the result of Collective Bargaining agreements arrived at and approved by Common Council.

SECTION 3. The following is a complete and true listing of all City positions by Department, Position Title and Labor Grade. It includes some positions created by the City and Approved by the Common Council subse-

quent to the 1981 Salary Ordinance; Proposed new positions resulting from reallocation of duties or consolidation of duties, and positions regraded in accordance with the City's Official Salary Policy and Position Evaluation System:

MAYOR'S OFFICE (610)

<u>LABOR GRADE</u>	<u>TITLE</u>
UC \$32,000	Mayor
17	Administrative Assistant
16	Executive Assistant
7	Executive Secretary
6	Receptionist A

CONTROLLER'S OFFICE (620)

<u>LABOR GRADE</u>	<u>TITLE</u>
19	Controller
17	Deputy Controller
15	Administrator, Fed. Funds
15	Internal Auditor
13	Financial Accountant
9	Barrett Law Accountant
8	Accountant/Bank Reconciliation
7	Bookkeeping-Data Entry
7	Executive Secretary
6	Accounting Clerk
UC \$20,000	City Council Attorney
UC \$8,000	Councilman

ECONOMIC DEVELOPMENT (630)

<u>LABOR GRADE</u>	<u>TITLE</u>
17	Director
15	Assistant Director
14	Development Services Specialist
14	Finance Specialist
14	Business Planning Specialist
5	Executive Secretary B

METRO HUMAN RELATIONS COMMISSION (640)

147

<u>LABOR GRADE</u>	<u>TITLE</u>
17	Executive Director
14	Depty Dir./Investigative
14	Deputy Dir./Administrative
14	Staff Attorney
10	Human Relations Representative
9	Intake/Investigator
6	Secretary A
5	Secretary B
3	Commission Clerk

CITY CLERK (650)

<u>LABOR GRADE</u>	<u>TITLE</u>
10	Chief Deputy City Clerk
6	Personnel Supervisor
5	Executive Secretary B
4	Secretary C
3	Clerk/Typist
3	Teller
UC \$23,000	City Clerk

BOARD OF WORKS (660)

<u>LABOR GRADE</u>	<u>TITLE</u>
19	Chairman
18	Member of Board

13	Clerk to Board
6	Accounting Clerk
6	Executive Secretary A
5	Secretary B

PUBLIC AFFAIRS (675)

<u>LABOR GRADE</u>	<u>TITLE</u>
16	Citizen's Advocate
13	Director/Citizen Participation
9	Administrative Assistant
7	Assistant Citizen Advocate
3	Clerk Typist

COMMUNITY DEVELOPMENT & PLANNING (680)

<u>LABOR GRADE</u>	<u>TITLE</u>
18	Director Community Development
17	Director of Planning
16	Senior Planner
14	Associate Planner
13	Economist I
12	Assistant Planner
12	Land Use Administrator
12	Zoning Enforcement Administrator
10	Assistant Zoning Enforcement Officer
6	Secretary A
5	Secretary B

STREET ENGINEERING (690)

<u>LABOR GRADE</u>	<u>TITLE</u>
16	Street Engineer
14	Project Engineer
13	Land Acquisition Agent
6	Secretary A

BOARD OF PUBLIC SAFETY (700)

<u>LABOR GRADE</u>	<u>TITLE</u>
18	Coordinator of Public Safety
19	EEO & Affirmative Action Officer
UC \$7,000	Chairman, Board of Safety
UC \$4,200	Member of Board

POLICE CIVILIANS (709)

<u>LABOR GRADE</u>	<u>TITLE</u>
16	Legal Advisor
14	Chemist
13	Records Supervisor
10	Supt. Police Garage
9	Darkroom/Technician
9	Records Bureau Technician
8	Mechanic
5	Executive Secretary B
5	Mechanic's Helper
5	Secretary B
4	Clerk/Typist/Computer Input Technician

POLICE DEPARTMENT (710)

<u>LABOR GRADE</u>	<u>TITLE</u>
17	Chief of Police
16	Assistant-Chief of Police
15	Deputy Chief
13	Captain
12	Lieutenant
11	First Master Sergeant
11	Sergeant
10	Patrolman
10	Probationary Patrolman
3	Recruit

FIRE DEPARTMENT (730)

<u>LABOR GRADE</u>	<u>TITLE</u>
17	Fire Chief
16	Deputy Chief
15	Assistant Chief
13	District Chief
12	Platoon Captain
11	Captain
11	Lieutenant
10	Firefighter
10	Firefighter/Probationary

FIRE CIVILIANS (731)

<u>LABOR GRADE</u>	<u>TITLE</u>
8	Mechanic
6	Executive Secretary A
5	Mechanic's Helper
5	Secretary B
4	Secretary C/Receptionist

CIVIL DEFENSE (740)

<u>LABOR GRADE</u>	<u>TITLE</u>
14	Civil Defense Director

WEIGHTS & MEASURES (750)

<u>LABOR GRADE</u>	<u>TITLE</u>
12	Inspector
6	Assistant Inspector
4	Receptionist - Secretary C

COMMUNICATIONS (760)

949

<u>LABOR GRADE</u>	<u>TITLE</u>
15	Director of Communications
13	Assistant Director
13	Supervisor of Dispatchers
13	Supervisor of Technicians
12	Technician I
11	Technician II
9	Dispatcher
9	Probationary Dispatcher
5	Executive Secretary B

E.M.S. (835)

<u>LABOR GRADE</u>	<u>TITLE</u>
14	Director
13	Assistant Director
10	Emergency Medical Technician/ALS
10	Shift Supervisor
8	Mechanic
9	Emergency Medical Technician/BLS
5	Secretary

AVIATION (840)

<u>LABOR GRADE</u>	<u>TITLE</u>
18	Airport Manager
13	Assistant Airport Manager, Operations
13	Assistant Manager/Office & Finance
13	Chief Crash Firefighter/Police
13	Senior Electrician
12	Captain Crash Firefighter/Police
12	Senior Mechanic
12	Senior Roads & Grounds Foreman
12	Superintendent, Water Plant
10	Assistant Roads & Grounds Foreman
10	Lieutenant Crash Firefighter/Police
9	Firefighter/Police Officer
8	Carpenter
8	Senior Equipment Operator
7	Chief Custodian
7	Executive Secretary
7	Senior Laborer
6	Equipment Operator
6	Secretary A
4	Junior Equipment Operator
4	Terminal Police
3	Custodian

TRAFFIC ENGINEERING (770)

<u>LABOR GRADE</u>	<u>TITLE</u>
16	Traffic Engineer
14	Assistant Traffic Engineer, Signal
14	Project Engineer
14	Signal Supvr. Jr. Engineer
13	Sign & Marking Supvr.
13	Signal Foremen
11	Signal Electrician
10	Engineering Technician
10	Signal Apprentice
9	Data Processing Technician
7	Painter First Class
6	Secretary A
5	Secretary B
3	Clerk Typist

DEPARTMENT OF LAW (790)

<u>LABOR GRADE</u>	<u>TITLE</u>
UC \$23,500	City Attorney
UC \$22,000	Special Counsel to Mayor
UC \$13,500	Associate City Attorney
7	Legal Secretary

HUMANE COMMISSION (810)

<u>LABOR GRADE</u>	<u>TITLE</u>
13	Executive Director
9	Special Humane Ofc/Dir of Operations
9	Complaint Officer
8	Animal Technician
8	Humane Officer
7	Utility Person/Bookkeeper
4	Animal Care Specialist
3	Clerk Dispatcher

PARK DEPARTMENT (850)

<u>LABOR GRADE</u>	<u>TITLE</u>
18	Director of Parks & Recreation
16	Supt. of Parks
16	Supt. of Recreation
16	Supt. Zoo & Veldt
15	Business Manager
11	Supervisor A
10	Supervisor B
9	Supervisor C
9	Working Leader
9	Zoo Curator & Education Specialist
9	Office Manager
9	Public Information Officer
8	Park Security Officer
8	Carpenter
8	Draftsperson
8	Electrician
8	Fleet Mechanic
8	Supervisor Recreation Centers
8	Floriculturist
8	Grounds Maintenance
8	Heavy Equipment Operator
8	High Ranger Operator
8	Landscape Working Leader
8	Mason/Carpenter
8	Painter A
8	Park Person A
8	Plumber A
8	Small Motor Mechanic
8	Stockroom Person
8	Welder
8	Zoo Attendant
7	Construction
7	Gardener
7	Painter B
7	Plumber B
7	Recreation Stock Person
7	Special Equipment Operator
6	Ball Diamond Person
6	Garbage Truck Operator

6	Grounds Equipment Operator
6	Grounds Maintenance B
6	Park Person C
6	Relief Person
5	Gardener Helper
5	Park Helper
5	Secretary B/Bookkeeper
5	Tree Crew Helper
UC \$18,564	Golf Pro/Greens Keeper
UC \$8,782	Golf Pro

REDEVELOPMENT (870)

<u>LABOR GRADE</u>	<u>TITLE</u>
18	Executive Director
17	Deputy Director
13	Administrative Aide/Relocation Specialist
11	Project Technician
7	Executive Secretary

PARKING ADMINISTRATION (891)

<u>LABOR GRADE</u>	<u>TITLE</u>
13	Parking Administrator
9	Parking Control Ofc I
8	Parking Control Ofc II
8	Working Leader
5	Secretary B/Bookkeeper
4	Parking Control Ofc II
3	Utility Person
2	Attendant

SECTION 4. In order to effect the reduction of ranking personnel in the Fort Wayne Police Department to 75 persons and to do so without disruption to the Police Department and within the limitations set by the laws of the State of Indiana, there shall be no promotions from Patrolman to Sergeant.. In addition there shall be no net increase in the total number of command personnel holding the rank of Lieutenant and above. A report shall be made to the Common Council on or before September 15, 1981, by the Coordinator of Public Safety, detailing the process to be used in reducing the numbers of persons assigned rank in the Police Department. Thereafter, the Coordinator of Public Safety shall file a brief report on the first Tuesday of each month describing to the Common Council the progress of the reduction process.

SECTION 5. The following additions and modifications, developed through the Collective Bargaining Process, are hereby approved and thus modify the Basic Salary Ordinance:

- a. Patrolmen in the Police Department, hired after January 1981, shall receive an annual base pay as follows:
 - (1) For the first year (365 days), the patrolmen's base pay shall be Eighty Percent (80%) of the base pay of a first class patrolman;

- (2) For the second year (365 days), the patrolmen's base pay shall be ninety percent (90%) of the base pay of a first class patrolman;
- (3) For the third year (365 days) the patrolmen's base pay shall be ninety-five percent (95%) of the base pay of a first class patrolman.

b. As an incentive to attract trained and qualified personnel, in the future, an educational bonus shall be paid to personnel of the Police Department as follows:

- (1) All officers who were officers as of January 1, 1981 and who have obtained a four year baccalaureate degree by January 1, 1981, shall receive a bonus of nine hundred dollars (\$900) per year added to their regular earnings.
- (2) All officers who were officers as of January 1, 1981, and who by January 1, 1981 had obtained a two year Associates degree shall receive a bonus of four hundred and fifty dollars (\$450) per year added to their regular earnings.
- (3) All officers hired after January 1, 1981, shall receive no educational bonus whatsoever until three years of service with the department is completed, and then only upon obtaining a four year baccalaureate degree in law enforcement.

The maximum that any officer can receive under this section shall be the sum of nine hundred and 00/100 dollars (\$900) yearly bonus.

c. Any off-duty officer who is required to attend, by subpoena and does so attend court for a criminal matter or a civil matter related to his or her law enforcement duties shall receive, for each hour that he or she is required to be in court and actually is in court, one and one-half times his or her normal hourly rate computed on his or her base

annual rate only. In addition thereto, each off-duty officer who is required to attend, by subpoena, and does so attend court for a criminal or civil matter related to his or her law enforcement duties, shall receive one hour of straight time pay (computed on the annual base only) for each such court appearance.

d. Each officer shall receive five hundred dollars (\$500) per year as a uniform allowance.

e. Shift payments will be made to Police Officers as follows:

- (1) Officers who were officers as of January 1, 1981, and who are assigned to "B" shift or any shift beginning between 12 noon and 3 p.m., shall have added to their regular earnings seven hundred dollars (\$700) for such pay period.
- (2) Officers who were hired as of January 1, 1981, and were assigned to "C" shift or any shift beginning between 9 p.m. and 12 midnight, shall have added to their regular determined earnings one thousand four hundred dollars (\$1,400) annually for such time as they regularly work such shift.
- (3) Officers hired after January 1, 1981, shall not receive the shift payments referred to above for the first three years of their service.

- e. Police Bonus and Incentive payments referred to in this section or elsewhere are not to be construed in any manner as additions to the base salary of any officer within the meaning of Burns Indiana Statutes Annotated Section 48-6403. Only the actual base rate established by Collective Bargaining agreement and approved by the Common Council for the First Class Patrolmen shall be included in that rate.
- f. A one thousand dollar (\$1,000) bonus will be given to each commissioned employee of the Fort Wayne Fire Department who has 25 or more years of service, unless it would be determined that such bonus constitutes a part of the base rate of Firefighter for Pension purposes.
- h. Firefighters covered by Indiana Burns Statutes 37 and 77 who are permanent, paid employees wherever assigned to duty outside the Fire Department will receive a shift bonus of thirty-five cents per hour (35¢) for all hours worked on shifts beginning between 12 noon and 12 midnight.
- i. Five hundred dollars (\$500) technical pay for the following Fire Classifications is also authorized:
 - (1) No more than twenty (20) divers
 - (2) Three (3) Signal Department Journeymen Electricians
 - (3) Two (2) Certified E.M.T. Instructors
- j. Employees covered by recognized bargaining unit representatives (Unions) will receive a salary established by the Collective Bargaining process as long as the salaries do not exceed the table of maximum salaries authorized in Section 2, above.
- k. To permit the completion of union negotiations, the Common Council agrees to accept up the maximum salaries listed. However, the Common Council shall review the salaries in this ordinance after the union negotiations are complete in order to set a specific salary for each title for the year 1982, adjusting salaries where necessary.
- l. Police and Fire agreements achieved through Collective Bargaining will, in any event, as same relate to salaries, be submitted to Common Council for review and approval prior to implementation.

SECTION 6. From and after the first day of January 1982, all appointed officers, employees, deputies, assistants, departmental and institutional heads of the Civil City of Fort Wayne, Indiana will be paid according to this, the above and the following provisions of this ordinance, subject to budgetary limitations or future changes or amendments enacted by the Common Council necessitated by Home Rule Legislation or otherwise.

SECTION 7. No person employed by the City or City Utilities shall make a higher salary than that of the Mayor of Fort Wayne.

SECTION 8. That all Departments subject to this ordinance will conform to the Official City Personnel Policies and Procedures relating to hiring, pay, and other related practices, approved by the Mayor and administered by the City's Personnel Department.

SECTION 9. If any section, clause, sentence, paragraph or part or provision of this ordinance be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without such invalid section, clause, paragraph, part or provision, and the remaining parts of the ordinance will remain in effect.

SECTION 10. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote :

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier,
Taláricc

Nays: Two

Nuckols, D. Schmidt

Date: 7-30-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-178-81 on the 30th day of July, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 31st day of July, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

1

BILL NO. S-81 07-04 (as amended)

2

SPECIAL ORDINANCE S - 179-81

3

AN ORDINANCE fixing the salaries of all salaried

4

nonbargaining unit positions in the City Utilities

5

of the City of Fort Wayne for the year of 1982.

6

WHEREAS, the City of Fort Wayne, Indiana Common Council has deter-

7

mined in General Ordinance G-80-12-18, that all non-union employees of the

8

City Utilities of Fort Wayne, Indiana be subject to an annual salary

9

ordinance; and

10

WHEREAS, the Common Council desires to fix such salaries in general

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conformity to the salaries set in the same year for Civil City employees

12

of a similar grade, as determined by the City Classification System origi-

13

nally established by Ordinance No. S-34-73 as subsequently modified and

14

improved, which should accurately reflect the duties and responsibilities

15

of said employees; and

16

WHEREAS, the Mayor and the Personnel Director of the City of Fort

17

Wayne have for the first time prepared such a schedule of salaries and

18

labor grades for submission to the Common Council for its approval.

19

NOW THEREFORE, Be it ordained by the Common Council of the City of

20

Fort Wayne, Indiana, as follows:

21

SECTION 1. That all salaried nonbargaining unit employees of City

22

Utilities of Fort Wayne, Indiana shall be classified by the titles and

23

labor grades herein designated, and that no change shall be made in any

24

labor grade without the specific approval of the Common Council.

25

SECTION 2. That the following scale of Maximum Salaries is hereby

26

fixed and authorized as a ceiling for approved labor grades. This maximum

27

will not be exceeded:

28

LABOR GRADE MAXIMUM SALARY

29

1 \$10,000

30

2 11,250

31

3 12,500

32

4 13,750

1

5 15,000

2

6 16,250

3

7 17,500

4

8 18,750

5

9 20,000

6

10 21,250

7

11 22,500

8

12 23,750

9

13 25,000

10

14 26,250

11

15 27,500

12

16 28,750

13

17 30,000

14

18 31,250

15

19 32,500

16

This scale is an attempt to reinstate an orderly, consistent and competi-

17

tive pay policy and is based upon the application of results of a salary

18

survey conducted in June, 1981 and a formula which generates a linear

19

progression of maximum salaries. It is not designed to indicate actual

20

salary increases programmed for 1982.

21

SECTION 3. The following is a complete and true listing of all City

22

Utilities positions by Position Title and Labor Grade.

23

	<u>LABOR GRADE</u>	<u>TITLE</u>
24		
25	19	Personnel/Labor Relations Director
26	17	Director of Operations
27	17	Director of Water Resources
28	17	Director of Transportation
29	17	Associate Director Personnel/Labor Relations
30	16	Director of Technical Services
31	16	Superintendent of WPC Plant
32	16	Superintendent of Maintenance
1	16	Chief WPC Engineer
2	16	Superintendent of Filtration Plant
3	16	Chief Water Engineer
4	16	Director of Data Processing
5	16	Director of Purchasing
6	15	Asst. Superintendent of Filtration Plant
7	15	Superintendent of Street Lighting Warehouse
8	15	Director of Street Light Engineering
9	15	Systems Analyst
10	14	Maintenance Foreman of Filtration Plant
11	14	Project Engineer
12	14	Supervisor of Service of Water Maint.
13	14	Supervisor of Construction of Water Maint.
14	14	Asst. Superintendent of WPC Maint.
15	14	Professional Engineer
16	14	Supervisor of Meter Reading
17	14	Supervisor of Maintenance of WPC Plant
18	14	Supervisor of Payroll/Personnel Consultant
19	14	Supervisor of Office Services
20	14	Supervisor of Customer Services
21	14	Supervisor of General Accounting
22	14	Project Leader
23	14	EEO Director
24	14	Supervisor of Safety & Claims
25	14	Research Officer
26	14	Public Information Officer
27	14	Personnel Officer
28	13	Veterans Services Officer
29	13	Employment Specialist
30	13	Inspection Division Supervisor of Tech. Serv.
31	13	Assistant Purchasing Director
32		
	12	Superintendent of City Utilities Garage
	12	Assistant Supervisor of WPC Plant Maint.

1	12	Supervisor of Data Operations
2	12	Supervisor - Industrial Waste Control
3	11	Payroll Administrator
4	11	Administrator WPC - Stations
5	11	Administrator WPC Sludge Disposal
6	11	General Foreman
7	10	Administrative Assistant
8	10	Purchasing Officer
9	10	EEO Officer
10	10	Safety Investigator
11	9	Contract Compliance Officer
12	8	Office Manager
13	6	Records & Benefit Spec./Personnel
14	6	Appointment Secretary/Mayor's Ofc.
15	6	Executive Secretary A
16	5	Executive Secretary B
17	4	Executive Secretary C
18	4	Asst. Veterans Services Officer

SECTION 4. From and after the effective date of this ordinance, which shall be the first full pay period in the year 1982, all salaried nonbargaining unit positions will be paid in conformity to this ordinance.

SECTION 5. That all utilities departments subject to this ordinance will conform to the official City Personnel Policies and Procedures relative to hiring, pay and other related practices, approved by the Mayor and administered by the City's Personnel Department.

SECTION 6. To permit the completion of union negotiations, the Common Council agrees to accept up to the maximum salaries listed. However, the Common Council shall review the salaries in this ordinance after the union negotiations are complete in order to set a specific salary for each title for the year 1982, adjusting salaries where necessary.

SECTION 7. No person employed by the City or City Utilities shall make a higher salary than that of the Mayor of Fort Wayne.

SECTION 8. If any section, clause, sentence, paragraph or part or provision of this ordinance be found invalid or void by a Court of Competent Jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without the invalid section, clause, paragraph, part or provision, and the remaining parts of the ordinance will remain in effect.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: Two

Nuckols, D. Schmidt

Date: 7-30-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-179-81 on the 30th day of July, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 31st day of July, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of August, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-31

SPECIAL ORDINANCE NO. S-180-81

AN ORDINANCE approving Civil City
Purchase Order No. A-005109 with
Indiana Auto Auction for the leasing
of a vehicle for the Traffic Engineering
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-005109 dated July 9, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Indiana Auto Auction, for the leasing of one mid-size sedan, year 1981, to be used by the Traffic Engineering Department at a cost of \$1,599.42, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date : 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-180-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-32

SPECIAL ORDINANCE NO. S-181-81

AN ORDINANCE approving Civil City
Purchase Order No. A-005096 with Hefner Chevrolet,
Inc. for one vehicle for the Traffic Engineering
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-005096 dated July 9, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Hefner Chevrolet, Inc., for the purchase of one (1) dump truck, year 1981, to be used in the Traffic Engineering Department, at a cost of \$7,320.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-181-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-33

SPECIAL ORDINANCE NO. S-182-81

AN ORDINANCE approving a contract between the City of Fort Wayne, Indiana, and International Harvester Company for fire protection to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated March 26, 1981, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and International Harvester Company and the furnishing of fire protection by the Fort Wayne Fire Department to premises of International Harvester Company outside the city limits, described as follows, to-wit:

All buildings and improvements of IHC located in an area bounded by New Haven Avenue on the North; Meyer Road on the East; Penn Central RR Tracks on the South and Coliseum Boulevard on the West including the buildings facing on Pontiac Street Extended, and also including the Endee Warehouse building located on the SE corner of the above area, which said area is visually shown outlined in red on your Exhibit "A" attached hereto and made a part hereof.

At a cost to International Harvester Company of \$58,291.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the

City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2.

SECTION 3. That this Ordinance shall be effective upon its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-182-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-34

RESOLUTION NO. R- 61-81

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$1,100,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSES
OF INDUCING THE APPLICANT, ALLEN COUNTY
AGGREGATES, INC. TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING OF
THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Allen County Aggregates, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a limestone quarry located at 7400 Lower Huntington Road, Fort Wayne, Indiana, including 221 acres, buildings, improvements, existing machinery and equipment, repair to existing machinery and new machinery, located outside the City of Fort Wayne in Aboite Township, Allen County, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately twelve job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,100,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the forgoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

D. Schmidt, Nuckols

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-61-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

VETO SUSTAINED - LACK OF 2/3 VOTE TO OVER RIDE VETO

BILL NO. G-81-03-16 (AS AMENDED) VETOED BY MAYOR MOSES, JR.
GENERAL ORDINANCE NO. G- ~~1381~~ 8/11/81

AN ORDINANCE dealing with animal control, care and disposition, creating an animal control commission, the rigid enforcement of laws dealing with animals and repealing all ordinances in conflict herewith

General Purpose:

It is the purpose of this ordinance to establish in the City of Fort Wayne, Indiana, provisions for control of animals and for their proper care and disposition, to rigidly enforce all laws dealing with animals, and to set up an animal control commission and executive director thereof to supervise the operation and control of animals.

This ordinance repeals Section 6-1 to and including Section 6-29 of the Code of the City of Fort Wayne, Indiana, of 1974, and the following is substituted therefor:

ARTICLE I
DEFINITIONS

Section 6-1

ALTERED ANIMAL: Any animal that has been operated on to prevent it from procreating.

ANIMAL: Any living vertebrate, domestic or wild, except a human being.

ANIMAL CONTROL COMMISSION: Animal Control Commission shall be the governing board.

ANIMAL CONTROL SHELTER: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this ordinance, operated by and under the direct supervision of the Fort Wayne Animal Control Commission and the Executive Director of the Shelter.

AUCTION: Any place or facility where animals are regularly bought or sold or traded, except for those facilities otherwise defined in this ordinance or State law.

BREEDER: Any person who for compensation causes the breeding or selling of any dog or cat or makes any dog or cat available for breeding purposes.

CATTERY: Any person, group of persons, partnership or corporation owning or harboring more than eight (8) cats.

CIRCUS: A commercial variety show featuring animal acts for public entertainment.

COMMERCIAL ANIMAL EXHIBIT: Display or show of wild or domestic animals in a shopping center, retail establishment or adjacent lot, for the purpose of promoting retail sales.

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUIDE DOGS: Dogs trained to assist the handicapped.

HUMANE SOCIETY: Any not for profit organization for the prevention of cruelty to animals incorporated under the laws of the State of Indiana.

KENNEL: Any person, group of persons, partnership or corporation engaged in the keeping of more than three (3) dogs, or the business of boarding, or training for a fee, or grooming.

OWNER: A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON: A person, for purposes of this ordinance, shall be defined as an individual, firm, corporation, or commercial establishment.

PET: Any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or Police or canine governmental dogs.

PET SHOP: Any person, group of persons, partnership, or corporation whether operated separately or in connection with another business enterprise, except for a licensed cattery or kennel, that buys, sells, or offers for sale any species of animal.

PUBLIC NUISANCE: Any animal which:
1. Interferes with passerbys or passing vehicles,
2. Attacks other animals or person,
3. Trespasses on school grounds,
4. Is repeatedly at large or unrestrained,
5. Damages private or public property, or
6. Barks, whines or howls or makes other sounds common to its species in excess.

RABIES VACCINATION: The injection, by a licensed veterinarian, of a dog, cat, or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

RESTRAINT: A dog or cat shall be considered under restraint if it is within the real property limits of the responsible party or secured by a leash or lead.

RIDING SCHOOL OR STABLE: Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

- 27 RODEO: A performance featuring bronc riding, steer wrestling,
28 calf roping, greased pig contest or bull riding.
- 29 VETERINARY HOSPITAL: Any establishment maintained and operated
30 by a licensed veterinarian for the purpose of hospitalization
31 of animals or the diagnosis and treatment of diseases and
32 injuries of animals.
- VICIOUS ANIMAL: Any animal that has, without provocation,
attacked a human being.

1 WILD ANIMAL: Any living vertebrate animal normally found in
2 the wild state.

3 ZOOLOGICAL PARK: Any facility, other than a pet shop, display-
4 ing or exhibiting one or more species of non-domestic animals,
operated by a person, partnership, corporation or government
agency.

ARTICLE II

FORT WAYNE ANIMAL CONTROL COMMISSION

Section 6-2 FORMATION

- (1) ANIMAL CONTROL COMMISSION: The Animal Control Shelter
shall be operated by a voting five (5) member board,
so named the Fort Wayne Animal Control Commission.
The Commission members shall be appointed to serve a
three (3) year term, terms to be staggered. No limit
shall be set on numbers of terms a Commissioner can
serve, all members to serve without compensation.
- a. Three (3) of the Commission members shall be
appointed by the Mayor. The two (2) remaining
members of the Commission shall be appointed by
the City Council.
- b. This selection shall not be based on political
affiliations, but on interest in animal care and
control and knowledge of same.
- (2) Organizational meeting:
- a. The 1st meeting of the Commission shall be
convened by the Executive Director of the Shelter.
- b. The Commission shall elect a Chairman, Vice
Chairman, and a Secretary from among its members.
- c. The Secretary shall be charged with the duty of
keeping and maintaining the minutes and other
records of the Animal Control Commission.
- (3) Meetings, Rules and Regulations: The Commission shall
meet at least once each month, or upon special call
by the Chairman, or upon the written request to the
Chairman by any three (3) members. It shall adopt
rules and regulations as may be necessary or appro-
priate in its judgment to carry out the provisions
of the ordinances and laws under which it exists
and performs its functions.
- (4) Quorum: Three (3) members of the Animal Control
Commission shall constitute a quorum to do business.
- (5) Vacancies: In the case of a vacancy in office due to
death, resignation, incapacity, removal or otherwise,
the appointment to fill the vacancy so occurring
shall be made by the original appointing body for the
unexpired term only and shall be subject to the
provisions stated in Section 6-2 (1).

Section 6-3 DUTIES AND POWERS OF ANIMAL CONTROL COMMISSION

- (1) To cause to be enforced all city ordinances and/or
- State laws regarding animal care and control.
- (2) To maintain and operate the city's Animal Control
Shelter or shelters which have been designated for
the humane sheltering or protection and disposition
of animals coming into its custody.
- (3) To purchase all necessary materials for the proper
and efficient performance of the services and work
required of the Shelter, consistent with the city's
duly established purchasing procedures.

- 7 (4) To cause to be picked up and transported to the
8 Animal Control Shelter all unwanted animals, all
9 animals illegally at large, and all sick, diseased,
10 injured, lost, strayed, stolen, or abandoned
11 animals. Those animals whose owners request may be
12 promptly euthanized at the Shelter. In addition,
13 any animal which appears to be ill and would pose a
14 health hazard to other animals; or any animal which
15 is injured so that it cannot rest comfortably for a
16 minimum of three (3) working days may be destroyed
17 immediately as so authorized by the Executive
18 Director or his/her authorized agent. All other
19 animals shall be kept at the Shelter or place designa-
20 ted by the Shelter for a period of not less than
21 three (3) working days to afford owners the opportunity
22 to claim the animal. After such period of time,
23 unclaimed animals shall be placed in a suitable home,
24 retained at the Shelter or euthanized. Animals
25 released to the Shelter by their owners, or impounded
26 animals not claimed within the legal time become
27 the property of the Shelter and disposition may be
28 made at the Shelter's discretion.
- 19 (5) To cause to be picked up and disposed of all dead
20 animals found in or on any street or sidewalk, alley
21 or other public place in the City.
- 21 (6) To cause to be investigated all reports and complaints
22 concerning any inhumane treatment or practices per-
23 taining to animals within the City. To cause to be
24 impounded all animals found in conditions adverse to
25 their health and safety at the Shelter or suitable
26 place so designated by the Shelter. Impounded
27 animals are to be retained in the custody of the Shelter
28 or Shelter's agent, until such time as the court
29 shall decide the disposition of the animal or the
30 Shelter can make the arrangements necessary for the
31 animal's health and safety with its owner.
- 27 (7) To enter into contracts with any municipalities or
28 governmental units or any person, association or
29 corporation for the collection, transportation,
30 sheltering and disposal by the Shelter for sick,
31 diseased, injured, illegally at large, lost,
32 strayed or abandoned animals provided that no such
services be extended by the Shelter outside the City,
except under written contract with the unit, person,
association or corporation concerned and at a charge
based upon the actual cost of such services, including
overhead; provided that no such contract shall be
effective except upon the approval of the City

1 Attorney or a duly designated Associate, as to form
2 and legality, the approval of the Mayor, and the
3 ratification by City Council.

- 3 (8) To employ all personnel necessary for the efficient
4 performance of the duties required of the Shelter.
- 5 (9) To prepare and submit to the City Council through the
6 City Controller, an annual budget, for its financing
7 of its operations and performance of its duties.
- 7 (10) To submit to the Mayor, and to the City Council, no
8 later than January 30th of each year, a report of its
9 activities and operations for the prior year.
- 9 (11) To establish reasonable fees to be charged to persons
10 reclaiming and adopting animals, and to collect such
11 fees, such fees to be adopted only after Commission
12 approval and submission to the Mayor and City Council.
- 11 (12) To provide that all dogs and/or cats released for
12 adoption, shall be spayed or neutered and provisions
13 made for a program to monitor said spay/neuter plan.

13 ARTICLE III

14 ANIMAL CARE REGULATIONS

15 Section 6-4 ANIMAL CARE REGULATIONS

- 16 (1) No person shall confine or allow their animal to remain
17 outside during weather conditions which would consti-
18 tute a health hazard to the animal without providing
19 appropriate shelter.
- 19 (2) No animal shall be hitched, tied or fastened by any
20 rope, chain or cord that is directly attached to
21 the animal's neck or choke collar. Animals that
22 must be tied, hitched or fastened to restrain them
23 must wear a properly fitted collar or harness. The
24 tying device shall be attached to the animal's
25 collar or harness.
- 23 (3) All animals shall have fresh, potable drinking water
24 and be provided with food that is nutritional for
25 that species.
- 25 (4) Cats and dogs over the age of six (6) months must be
26 vaccinated by a licensed veterinarian against rabies,
27 and must wear a tag at all times attached to a
28 properly fitted collar or harness.
- 27 (5) All animals shall be provided with necessary medical
28 care in addition to the required rabies vaccination.
- 28 (6) Persons responsible for an animal shall immediately
29 remove the animal's excrement from public lands or
30 the property of another, excepting a blind person
31 working with a guide dog.
- 31 (7) All animals, where kept inside, or in a pen, tied,
32 fastened, hitched, leashed, or enclosed in a fence
shall be kept in a sanitary manner. The persons

- 1 responsible for the animal(s) shall regularly and as
 2 often as necessary to prevent odor or health and
 3 sanitation problems, maintain all animal areas or
 4 areas of animal contact.
- 5 (8) No wild or exotic animal shall be kept within the
 6 City without the necessary State and/or Federal
 7 permits.
- 8 (9) All animals shall be properly restrained as defined
 9 in this ordinance.
- 10 (10) No person owning, harboring or responsible for an
 11 animal shall beat, cruelly treat, neglect, torment,
 12 overload, overwork, or otherwise abuse any animal.
- 13 (11) No person shall permit or conduct any dog fight,
 14 cockfight, or other combat between animals or between
 15 animals and humans.
- 16 *Mon* (12) No person shall set any type of poisonous substance
 17 or bait within the city limits that is deemed harmful
 18 to any domestic animal; provided, however, that
 19 controlled programs under the direction of the City
 20 Board of Health or a licensed extermination service
 21 may be excluded.
- 22 (13) Any person who causes injury or death to an animal
 23 while operating a motor vehicle shall stop at once,
 24 assess the extent of injury, and immediately notify
 25 the owner or Animal Control Shelter of the location
 26 of the animal.
- 27 (14) No animal shall be left unattended in a vehicle when
 28 the conditions in that vehicle would constitute a
 29 health hazard to the animal.
- 30 (15) No animal may be induced or encouraged to perform
 31 through the use of chemical, mechanical, electrical,
 32 or manual devices in a manner which will cause, or is
 33 likely to cause physical injury or suffering.
- 34 (16) Every female dog or cat in heat shall be confined in
 35 a secure building or enclosure so as to prevent
 36 conception except during instances of planned
 37 breeding.
- 38 (17) No person shall abandon or cause to be abandoned
 39 any animal anywhere within the City limits in any
 40 public or private place, way or building.
- 41 (18) No person shall own or harbor a public nuisance as
 42 defined in this ordinance.
- 43 (19) No person shall own or harbor a vicious animal as
 44 defined in this ordinance.
- 45 (20) No person shall sell, offer for sale, trade, barter,
 46 or give away any live animal, fish, bird, or reptile
 47 as a prize for, or as an inducement to enter a place
 48 of amusement; or offer such vertebrate as an incentive
 49 to enter any business establishment or enter into any
 50 business agreement whereby the offer was made for the
 51 purpose of attracting trade, for business other than
 52 establishments selling animals as their primary business.
- 53 Amendment
 54 in Reg. Sess.
 55 7/28/81
- 56 (21) No person shall sell, offer for sale, trade, or
 57 barter any animal whose appearance has been chemically
 58 altered by dyes or staining. ~~or otherwise affixing a~~
 59 ~~change in the cosmetic appearance of an animal.~~
- 60 (22) No person shall sell, offer for sale, barter, or give
 61 away baby rabbits, chicks, goslings, ducklings or
 62 other fowl as pets or novelties. This section shall
 63 not be construed to prohibit the sale or display of
 64 baby rabbits, chicks, goslings, ducklings or other
 65 fowl in proper brooder facilities by hatcheries or
 66 stores engaged in the business of selling them to be
 67 raised for commercial purposes.
- 68 (23) No person shall keep or maintain any coop in which
 69 chickens, ducks, turkeys or other domestic fowl and
 70 poultry are kept within a distance of less than
 71 fifty (50) feet from any dwelling.
- 72 (24) No person shall conduct or allow the following events
 73 within the City Limits:
- 74 a. Rodeos
 75 b. Donkey Basketball Games
 76 c. Greased Pig Contests
- 77 (25) No person other than a duly authorized agent of the
 78 Animal Control Shelter may destroy any domestic
 79 animal within the City limits; provided, however,
 80 this provision shall not apply to the following:
- 81 a. a licensed veterinarian
 82 b. those persons acting in immediate self
 83 protection
 84 c. City Police Officers or Firemen acting to
 85 prevent undue suffering.
- 86 (26) No person shall permit the continuous barking, whining,
 87 or howling of a dog. When called, the Humane Shelter
 88 will investigate promptly and maintain records on the
 89 violation in such a manner that will permit expeditious
 90 follow-up and enforcement. After the second offense,
 91 the offending party shall be subject to Article VII,
 92 Section 6-20.
- 93 Amended
 94 in Reg. Sess.
 95 7/28/81

- (27) No person shall interfere with an Animal Control Officer in the pursuit of his/her duties as an Officer.
- (28) Violations of the provisions of this Section may result in impoundment of the animal(s) in accordance with Section 6-21.
- (29) Any violation of the above paragraphs 1 to 26 will result in a fine in accordance with Article VII, Penalties/Violations.

Section 6-5 LOST OR STRAY ANIMALS

- (1) Persons finding a stray animal are to notify the Animal Control Shelter, within 48 hours. At the discretion of the Shelter, the animal may be kept by the finder and a found report left with the Shelter, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the

Animal Control Shelter, any found animal will be surrendered to the Shelter and held for three (3) working days, before a disposition is made. Persons finding an animal are obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

ARTICLE IV

BITING ANIMALS

Section 6-6 BITING ANIMALS

- (1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Animal Control Shelter. Upon receiving the report of a bite, the Shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Animal Control Shelter. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.
- (2) No person other than an Animal Control Officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self protection. If that occurs, the person will retain the body and immediately notify the Animal Control Shelter.

ARTICLE V

PERMITS

Section 6-7 PET OWNER'S PERMIT

- (1) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet owner's permit; provided, however, that no pet permit shall be required of any Humane Society, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary tags.
- (2) A durable tag stamped with permit number and year of issuance will be provided to pet permit holders for each permit granted. Dogs and cats must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

Section 6-8 KENNEL/CATTERY PERMITS

- (1) Any person owning or harboring more than three (3) dogs over the age of six (6) months must apply for a kennel/cattery permit.
- (2) Any person owning or harboring more than eight (8) cats over the age of six (6) months must apply for a kennel/cattery permit.
- (3) Permit holder has right to request that any dog or cat accepted be vaccinated against common diseases and proof of such vaccination be furnished to the kennel/cattery operator. Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this ordinance.
- (4) All kennel/cattery operators shall take care to house animals in a sanitary manner. Appropriate care, medical services and housing shall be given according to individual breeds.
- (5) In the event that an animal dies while being boarded or while in training, the body shall be preserved until owner's return or taken to a licensed veterinarian for an autopsy.

Section 6-9 BREEDER'S PERMIT

- (1) Any person who for compensation causes the breeding or selling of any dog or cat or makes any dog or cat available for breeding purposes must obtain a breeder's permit.
- (2) Each person subject to the provisions of this ordinance shall not allow the whelping of more than one (1) litter per female dog or cat in a twelve (12) month period.
- (3) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (4) All animals offered for sale must be immunized against common diseases.
- (5) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (6) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-10 VETERINARY HOSPITALS/CLINICS

- (1) All animals shall be housed humanely and in a sanitary manner.
- (2) Veterinarians shall keep records of each animal accepted for treatment, diagnosis, or routine health care.
- (3) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals shall obtain a permit as herein provided.

Section 6-11 GROOMING SHOP PERMIT

- (1) Any person who has a grooming shop as defined in this ordinance shall obtain a grooming shop permit.
- (2) Permit holder has the right to request that any dog

or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

Section 6-12 PET SHOP PERMIT

- (1) Any person operating a pet shop as defined in this ordinance shall obtain a pet shop permit.
- (2) The permit holder shall furnish the purchaser a written statement at the time of sale containing the following:
 - a. Date of sale,
 - b. Name, address and telephone number of purchaser and permit holder,
 - c. Permit number of permit holder,
 - d. Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot type birds and fish not included.)
 - e. Prophylactic medication and immunization and dates administered,
 - f. Internal parasite medication(s) and date(s) administered,
 - g. A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

The permit holder shall retain a copy of the written statement for a period of twelve (12) months from the date of sale.

- (3) The Animal Control Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a licensed veterinarian may be requested at the expense of the enforcing agency.
 - a. The permit holder shall reimburse the enforcing agency's veterinary fees if the inspection by the veterinarian concludes the animal to be unfit for sale at the time of inspection.
 - b. The inspection is to be made by veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.
- (4) All pet shops defined herein and stores selling animals, birds, reptiles and fish as pets shall take care to house animals in a sanitary manner, appropriate medical services, care, and housing shall be given according to individual species needs.

Section 6-13 CIRCUSES AND COMMERCIAL ANIMAL EXHIBITS

- (1) Any person who is responsible for a Circus or a Commercial Animal Exhibit as defined by this ordinance must obtain a Circus or Commercial Animal Exhibit permit.

Section 6-14 ZOOLOGICAL PARKS

- (1) Zoological Parks shall be issued complimentary permits at no fee.

Amended in
REG. SESS.
7/28/81
12

1 Section 6-15 ANIMAL CONTROL SHELTER/HUMANE SOCIETY

- 2 (1) No permit shall be required of the animal control
3 shelter or Humane Society; however, all other
provisions of this ordinance shall apply.

4 ARTICLE VI

5 PERMIT APPLICATIONS/INSPECTIONS/FEEES

6 Section 6-16 APPLICATION/TERM

- 7 (1) Application for permits may be made at the City Con-
8 troller's Office or designated facility, or by mail,
9 and shall include name, address of applicant, type of
10 permit applied for, number and description of
11 animal(s), proof of rabies vaccination, information
12 regarding sterilization, and appropriate fee.
13 a. All applicants must be in compliance with
14 zoning and all other applicable state or
15 local laws.
16 b. Those permits that require prior inspection
17 will not be issued until proof of such
18 inspection is made available to Controller's
19 Office by the inspecting agency.
20 (2) Permits are to be issued for a term of one (1) year,
21 commencing with the first day of February and
22 expiring at midnight on the last day of the licensing
23 period. Application for permit may be made from
24 February 1 through April 30 without penalty. After
25 April 30, all applicants will be required to pay an
26 additional Five Dollars (\$5.00) for each permit re-
27 quired; provided, however, circuses, performing
28 animal acts, or exhibitions shall be exempt from the
29 penalty.
30 (3) Upon issuance, City Controller's Office shall issue a
31 permit in written form which includes number of
32 permit, type of permit, and all pertinent information.
In addition, the Controller's Office shall issue a
durable tag stamped with permit number and year of
issuance for each pertinent permit.
(4) The Controller's Office shall maintain records of the
identifying permit number and make such records
available in written form to the Animal Control
Shelter.
(5) All fees shall be paid at time of application, and
prior to the issuance of the permit.

28 Section 6-17 INSPECTION

- 29 (1) Whenever it is necessary to make an inspection to
30 enforce any of the provisions of, or perform any duty
31 imposed by this ordinance, or when there is reasonable
32 cause to believe that there exists in any building or upon
any premises, any violation of the provisions of this
ordinance, or state or federal laws, an Animal Control
Officer, Board of Health Officer or their authorized
agent, is authorized to enter such property at any

1 reasonable time and to inspect the same and to perform
2 any duty imposed by this ordinance; provided that:

- 3 a. If the property is occupied, the officer shall
4 first present proper credentials to the
5 occupant and request entry explaining the
6 reasons therefor; and
7 b. If the property is unoccupied, the officer
8 shall make a reasonable effort to locate the
9 owner or other persons having control of the
10 property and request entry explaining the
11 reasons therefor.
12 (2) In the event that the Animal Control Officer, Board
13 of Health Officer, or their authorized agent, has
14 reasonable cause to believe that the keeping or
15 maintaining of any animal is so hazardous, unsafe or
16 dangerous as to require immediate inspection to
17 safeguard the animal, or the public health or safety,
the officer is authorized to immediately enter the
property or premises and inspect the property and the
officer may use any reasonable means to effect such
entry and to make such inspection. If the property
is occupied, the officer shall first present proper
credentials and demand entry, explaining the reasons
therefor.
(3) If entry is refused or cannot be obtained because the
owner or other person having charge or control of the
property cannot be found after a reasonable, diligent
search, the officer shall have recourse to every
remedy provided by law to secure lawful entry
and inspect the property.

18 Section 6-18 FEES

19 In addition to all other fees required by law to be
20 paid, the following fees shall be paid:

21 (1) Pet Permit:

22 Altered dog or cat.....\$2.00
23 Unaltered dog or cat.....\$5.00
24 Owner over age of 65.....\$2.00
25 A statement from a veterinarian
26 saying that neutering shall
27 constitute a threat to the health
28 of that animal shall be issued a
29 permit for.....\$2.00
30 Replacement tags.....\$5.00

31 a. Application for a pet permit must be made
32 within thirty (30) days of acquiring a dog or
33 cat over the age of six (6) months, or within
34 thirty (30) days of the date in which a puppy
or kitten attains the age of six (6) months.

b. This requirement will not apply to non-
residents keeping an animal within the city
for not more than thirty (30) days.

31 (2) Kennel/Cattery Permit:

32 4-15 dogs.....\$50.00
33 9-15 cats.....\$50.00
34 16-25 dogs.....\$75.00
16-25 cats.....\$75.00
26 or more dogs.....\$100.00
26 or more cats.....\$100.00

1 a. Permit will be issued after inspection
2 approved by Animal Control Shelter and/or
3 Board of Health and verification of same
submitted to Controller's Office.

4 (3) Grooming Shop Permit:

5 Fee.....\$ 50.00

6 a. Permit will be issued after inspection
7 approved by Animal Control Shelter and/or
8 Board of Health and verification of same
submitted to Controller's Office.

8 (4) Breeder's Permit:

9 Fee.....\$ 25.00

10 a. A breeder's permit shall be issued provided
all requirements of this ordinance are met.

11 (5) Pet Shop Permit:

12 Fee.....\$100.00

13 a. Permit will be issued after inspection
14 approved by Animal Control Shelter and/or
15 Board of Health and verification of same
submitted to Controller's Office.

15 (6) Circus and Commercial Animal Exhibit Permits:

16 Fee.....\$100.00

17 a. Permit shall be valid only so long as the
18 circus/commercial animal exhibit is in City
19 for display, activity, etc., and must have a
20 specific beginning and ending date, not to
21 exceed ten (10) days.

22 b. Events lasting longer than ten (10) days must
23 apply for second permit.

24 c. Permits rendered void are not re-usable for
25 separate engagements.

26 Section 6-19 APPEAL: DENIAL OR REVOCATION OF PERMIT

27 (1) Any person who is denied a permit or whose permit is
28 revoked may appeal the denial or revocation to the
29 Animal Control Commission within sixty (60) days of
30 the date of the denial or revocation of the permit.

31 (2) All requests for appeals must be in writing and
32 addressed to the Animal Control Commission; whereupon
the Commission shall set the appeal for hearing within
forty-five (45) days of the receipt of the written
request.

ARTICLE VII

PENALTIES/VIOLATIONS

31 Section 6-20 PENALTIES/VIOLATIONS

32 (1) Violators of any provision of this ordinance, unless
otherwise specified, shall be fined not less than
Fifty Dollars (\$50) nor more than One Thousand
Dollars (\$1,000).

- (2) Violators, upon conviction, may be given the opportunity to work at the Animal Control Shelter and/or participate in a humane education program, if so recommended by the court.
- (3) Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.
- (4) Violations of any provision of this ordinance may result in immediate impoundment of animal(s).
- (5) Violation of any provision of this ordinance may result in revocation of any permits.

ARTICLE VIII

IMPOUNDMENT/REDEMPTION

Section 6-21 IMPOUNDMENT

- (1) Animals found in cruel, abusive, or neglectful situations as defined in this ordinance may be promptly impounded if no immediate contact with a responsible person can be made; provided, however, that the Animal Control Officer shall leave written notice saying the location of the animal and the reason for impoundment.
- (2) Animals so removed will be impounded and held at the Animal Control Shelter or designated facility until such time violator is in compliance with this ordinance; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Animal Control Shelter, or for the Animal Control Officer to have ample time to prepare a court case if prosecution is warranted.
- (3) Animals waiting disposition by the courts shall remain in the custody of the Animal Control Shelter until such disposition is made or placed in a foster home until legal arrangements have been completed.
- (4) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

Section 6-22 REDEMPTION

- (1) A person may reclaim an animal in the custody of the Animal Control Shelter upon providing the following:
 - a. Proof of ownership,
 - b. Payment of redemption fee and any other service/medical fees,
 as approved by the Animal Control Commission.
- (2) Stray or at large animals will be held three (3)

working days at the Animal Control Shelter, pursuant to Section 6-3,4.

- (3) Unclaimed animals become the property of the Animal Control Shelter and may be placed for adoption or humanely euthanized, pursuant to Section 6-3,4.

ARTICLE IX

MONIES

Section 6-23 MONIES

- (1) Monies - All monies generated or collected by virtue of the provisions of this ordinance are to be set aside and placed in the Animal Control Commission Fund and subject to appropriation each year by the Common Council of the City of Fort Wayne for the activities of the Humane Shelter.

Section 6-24 ORDINANCE SUPPLEMENTAL

- (1) The provisions of this Ordinance supplement all laws of the State of Indiana and all Allen County Ordinances covering the same subject matter.

Section 6-25 CONFLICTING ORDINANCES

- (1) All other ordinances of the City of Fort Wayne that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6-26 SEVERABILITY

- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 6-27 EFFECTIVE DATES OF ORDINANCE

- (1) Except for the requirement for applications for permits required to be made by this ordinance, which applications for permits shall not be required to be made until February 1, 1982, this ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication or legal posting thereof.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Five
 Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
 Nays: Two
 Burns, Schomburg
 Absent: Two
 Nuckols, D. Schmidt

Date: 8-11-81 Charles W. Westerman
 City Clerk

MAYOR MOSES, JR. VETO UPHELD - A 2/3 VOTE BY THE COMMON COUNCIL IS NEEDED TO OVER RIDE THE MAYORS VETO.

LETTER OF AUGUST 11, 1981 REGARDING VETO IS ATTACHED TO ORDINANCE

BILL NO, Z-81-06-04

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 23 and 24 in John H. Jacobs 3rd
 Addition of the City of Fort Wayne,
 Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. M-18, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
 Nays: Seven
 Eisbart, Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
 Absent: Two Nuckols, D. Schmidt
 Date: 8-11-81 Charles W. Westerman
 City Clerk

BILL NO. Z-81-07-14

ZONING MAP ORDINANCE NO. Z-26-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the South right of way line of Washington Center Road, said point being 40 feet South and 400 feet West of the Northeast corner of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana; thence South and parallel to the East line of the NE 1/4 of Sec. 23-31-12 a distance of 579.0 feet; thence West with a deflection angle to the right of 90 degr. 19 min. 40 sec. and parallel to the North line of the NE 1/4 of Sec. 23-31-12 a distance of 301.97 feet; thence North with a deflection angle to the right of 89 degr. 52 min. 00 sec. a distance of 579.0 feet to a point on the South right of way line of Washington Center Road, said point being 40 feet South of the North line of the NE 1/4 of Sec. 23-31-12; thence East with a deflection angle to the right of 90 degr. 08 min. 00 sec. and parallel to the North line of the NE 1/4 of Sec. 23-31-12 a distance of 300.0 feet to the point of beginning, containing 4.0 acres.

and the symbols of the City of Fort Wayne Zoning Map M-34, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. Z-26-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.

BILL NO. Z-81-07-16

ZONING MAP NO. Z-27-81

ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C, Gateway to the Uncommons Shopping Center;

Part of the North Half of Section 34, Township 32 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to-wit:

Commencing at the Northwest corner of Lot 16, in the plat as recorded in Plat Book 20, Page 18, of Winfree Manor Addition to the City of Fort Wayne; thence running Northward, along the East boundary line of the plat of Poinsette Park Addition, as in Plat Book 10, Page 72, recorded, a distance of 1114.5 feet to a point; thence South 89 degrees 03' East a distance of 119.7 feet to a point; thence North 32 degrees 12' East a distance of 100.0 feet to a point on the Southwesterly right-of-way line of U.S. Highway No. 30, known as Goshen Road; thence South 57 degrees 48' East, along the aforesaid line, a distance of 609.0 feet, to the North corner of Lot 22 in the plat of Lincoln Park Addition, as in Plat Book 13, Page 63, recorded; thence South along the West boundary line of Lincoln Park Addition, a distance of 294.9 feet to a point situated 120.0 feet North of the Southwest corner of Lot 21 of Lincoln Park Addition; thence South 89 degrees 51' East, and parallel to the South line of Lots Numbered 21, 20 and 19, of Lincoln Park Addition, a distance of 106.8 feet to the East line of Lot 19; thence South along the East line of Lot 19 a distance of 120.0 feet to the Southeast corner of said Lot 19; thence North 89 degrees 51' West, along the South line of the said Lots 19, 20 and 21, a distance of 106.8 feet to the West line of Lincoln Park Addition; thence South along the aforesaid line a distance of 50.0 feet, to the Northwest corner of Lot 18 of Lincoln Park Addition; thence South 89 degrees 51' East, along the North line of Lots Number 18, 17 and 16, of Lincoln Park Addition, a distance of 106.8 feet to the Northeast corner of Lot 16, thence South along the east line of Lot 16 and 15, of Lincoln Park Addition a distance of 209.5 feet, to the Southeast corner of Lot 15; thence continuing South along the line aforesaid, a distance of 50.0 feet, to the Northeast corner of Lot 132, in the plat as recorded of Lincoln Park Addition, Amended, in Plat Book 15, Page 78; thence continuing South on the east line of the said Lot 132, and of Lot 124, of the Amended Plat of Lincoln Park Addition, a distance of 300.0 feet, to the Southeast corner of the said Lot 124; thence North 89 degrees 51' West, along the South line of the said Lots 124 and 123 in the Amended Plat of Lincoln Park Addition, and along the South line of Lots Numbered consecutively and in reverse order 26 to 17, in the plat of the said Winfree Manor Addition, a distance of 616.8 feet, to the Southwest corner of the said Lot 17; thence North along the West line of the said Lot 17 a distance of 150.0 feet, to the Northwest corner thereof; thence North 89 degrees 51' West, a distance of 50.0 feet, to the Northeast corner of Lot 16 of Winfree Manor Addition; thence South along the East line of said Lot 16 a distance of 51.5 feet, to the Southeast corner thereof; thence North 89 degrees 51' West, along the South line of said Lot 16, a distance of 129.5 feet to the Southwest corner thereof; thence North on the West line of said Lot 16 a distance of 51.5 feet to the place of beginning, at the Northwest corner of the said Lot 16; containing 20.21 acres of land, more or less, all record references being to those in the Office of the Recorder of Allen County, Indiana, excepting therefrom however, the South 100 feet of Lots 18-26 inclusive, in Winfree Manor Addition.

SECTION 2. The "B-2" Shopping Center Symbol now located in the Gateway to the Uncommon Shopping Center, City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map No. K-18, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-27-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-39

SPECIAL ORDINANCE NO. S-183-81

AN ORDINANCE approving a contract for
Curb and Sidewalk Resolution No. 5909-81 between
the City of Fort Wayne, Indiana,
and Gateway Construction Company for replacement
of curbs and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 15, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Gateway Construction Company, for:

Curbwalk replacement (1) Weisser Park, both sides; (2) John Street, both sides; (3) Smith Street, both sides; (4) Winter Street, both sides, (5) Leith Street, both sides; (6) Boltz Street, both sides. Also sidewalk spot repair and curbface walk replacement on Weisser Park both sides, Oxford Phase VIA area,

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 590981, at a total cost of \$84,948.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-183-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-40

SPECIAL ORDINANCE NO. S-184-81

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5908-81, between the City of Fort Wayne,
Indiana, and T & F Construction Corporation
for maintenance reconstruction

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 15, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation for:

the maintenance reconstruction of
East Paulding Road pavement between
Arlene Drive on the West and East
to the end of concrete pavement,

under Board of Public Works Street Improvement Resolution No. 590881, at a total cost of \$15,692.50, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-184-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-41

SPECIAL ORDINANCE NO. S-185-81

AN ORDINANCE approving a contract for
Curbs and Sidewalk Improvement Resolution
No. 5906-81, between the City of Fort Wayne,
Indiana, and Gateway Construction Company
for curbs and sidewalks

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated July 15, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Gateway Construction Company, for:

curbs and sidewalks where needed for the Larez Neighborhood Phase IV project, also known as Taber Street, both sides between Lafayette and Hanna; and Sutenfield Street, both sides, between Lafayette and Hanna,

under Board of Public Works Curbs and Sidewalk Improvement Resolution No. 590682, at a total cost of \$76,833.55, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burnx, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-185-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-43

SPECIAL ORDINANCE NO. S-186-81

AN ORDINANCE approving a contract for
No. 155-81 between the City of Fort
Wayne, Indiana and T & F Construction
Corp. of Indiana for installation of
underground ornamental lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated July 15, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & F Construction Corp. of Indiana, for:

underground ornamental lighting
system for the West Central Area
more specifically defined as Wayne
Street from Van Buren to Thieme
Drive, Berry Street from Van Buren
to Thieme Drive and Rockhill Street
from Jefferson to Main Street,

under Board of Public Works Street Lighting Improvement Resolution No. 155-81, at a total cost of \$40,173.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-186-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-44

SPECIAL ORDINANCE NO. S-187-81

AN ORDINANCE approving Civil City
Purchase Order No. A-008919 with
Reynolds Metal Company for wire for
the Street Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-008919 dated July 10, 1981, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Reynolds Metal Company, for the purchase of #4 2/C Aluminum wire for the Street Lighting Department, at a cost of \$20,400.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-187-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-45

SPECIAL ORDINANCE NO. S-188-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-008878 with
The Perkin-Elmer Corporation for equipment
for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-008878, between the City of Fort Wayne,

by and through the City Utilities Purchasing Agent and the Board of Public Works and The Perkin-Elmer Corporation for:

the purchase of one spectrophotometer
for the Filtration Plant. This instrument
is used when testing chemicals,

at a cost of \$28,326.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-188-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-46

SPECIAL ORDINANCE NO. S-189-81

AN ORDINANCE approving Change Order
No. 28 in connection with the WPC
Plant Expansion, Division 1, Federal
Grant C-18953801

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 28 to Hagerman Construction Corporation/Shambaugh & Son, Inc. in connection with the WPC Plant Expansion, Division 1, Federal Grant C18053801, for:

to delete computer on site and software equipment and other related equipment, delete main control, stormwater, chemical control panels and related wiring; furnish and install the influent control, utilities control, chemical control and terminal pond control panels, modify stormwater station, aeration, digester, and lift station regulator panels and other minor modifications,

in the amount of \$820,855.00, as set out in the specifications, which are on file in the Office of the Board of

Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-189-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-47

SPECIAL ORDINANCE NO. S-190-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-008980 with
By-Products Management, Inc. for
materials for the Water Pollution
Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-008980, dated July 16, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and By-Products Management, Inc., for:

liquid ferrous sulfate (Pickle
liquor),

at a cost of \$120,000.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-190-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-48

SPECIAL ORDINANCE NO. S-191-81

AN ORDINANCE approving Change Order
No. 1 in connection with Street
Lighting Improvement Resolution
148-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Biggs Electrical Construction, Inc. in connection with Street Lighting Improvement Resolution 148-80, for:

the Shawnee Drive and Webster Street

Area. The necessity of change is the addition of one (1) light on each of the following streets that are adjacent Webster Street: Darrow Avenue; Kinsmoor Avenue; Packard Avenue, Kinnaird Avenue. The addition of these four lights within the original constuction boundaries will increase level of roadway illumination at the intersection of each of the respective streets at Webster Street,

in the amount \$261.96, as set out in the specifications, which are on file in the Office of the Board of Public Works and are be reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-191-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-07-49

SPECIAL ORDINANCE NO. S-192-81

AN ORDINANCE approving Change Order
No. 5 in connection with the Water
Works Improvement Contract 77-W-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 to McNamee, Porter and Seeley, Consulting Engineering firm and Shambaugh & Son, Inc., Contractor, in connection with the Water Works Improvement Contract 77-W-3, for:

rehabilitation of the drive at the St. Joseph Dam due to its deteriorated condition. Item #1 - this is the concrete drive and its related drainage structures and replacing the existing deteriorated drive; Item #2 - this item encompasses the grading of the site associated with the drive installation,

in the amount of \$17,200.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, D. Schmidt

Date: 8-11-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-192-81 on the 11th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of August, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

SPECIAL ORDINANCE NO. S-193-81

AN ORDINANCE providing for an additional
civilian member of the Fort Wayne Fire Department

WHEREAS, the 1981 Salary Ordinance of the Common Council of the City of Fort Wayne created and authorized 266 firefighting positions and 5 civilian positions for the Fort Wayne Fire Department; and

WHEREAS, Ordinance S-135-81 duly enacted by Common Council on June 23, 1981 changed the number of said positions to 265 firefighting positions and 6 civilian positions, and

WHEREAS, the Mayor pursuant to I.C. 18-2-1-9 has determined that an emergency exists that would require the creation of an additional civilian position within the Fort Wayne Fire Department.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an emergency does exist and that accordingly there is hereby authorized 264 firefighting positions and 7 civilian positions for the Fort Wayne Fire Department.

SECTION 2. That said additional civilian position as herein authorized shall be the position of fire mechanic, labor grade 10, with a base annual salary of \$15,981.

SECTION 3. That any and all Ordinances heretofore passed inconsistent with the terms and conditions hereof are hereby amended to conform to this Ordinance.

SECTION 4. That the annual base salary for the position herein created by subject to all appropriation budgetary provisions.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-193-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

SPECIAL ORDINANCE NO. S-194-81

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE, TO ISSUE ITS ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE BONDS,
SERIES 1981 (CUSTOM LABEL, INC.)
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the CUSTOM LABEL, INC. Project, regarding the financing of proposed economic development facilities consisting of a one story industrial building to be located in Edgewood Industrial Park, Allen County, Indiana, and the Allen County Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on August 6, 1981, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provision of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adopted of the form of Ordinance by the Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: the Mortgage and Indenture of Trust, the Loan Agreement, the Guaranty Agreement, and the Bonds

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition, construction and equipping of such facilities and the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5, and will be of benefit to the health and welfare of the City of Fort Wayne, Allen County, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to I.C. 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 (CUSTOM LABEL, INC.) IN the total principal amount of \$250,000, dated September 1, 1981, bearing interest at the rate of 12% per annum, due September 1, 1991. Principal is payable on the first of each month, commencing October 1, 1981, in an amount of \$3,586.80 or less for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 (CUSTOM LABEL, INC. PROJECT), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Dated this 11th day of August, 1981

Vivian G. Schmidt
Councilwoman

907
9842

Read the third time in full and on motion by V, Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-194-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-05 (as amended)

SPECIAL ORDINANCE NO. S-195-81

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE, TO ISSUE ITS ECONOMIC DEVELOPMENT
REVENUE BONDS, 1981 SERIES A, B, C AND D
(TECO, INC.) AND APPROVING OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the TECO, INC. Project, regarding the financing of proposed economic development facilities consisting of the immediate expansion of present facilities with a new structure and equipment of 21,000 square feet, located at 9733 Indianapolis Road, Fort Wayne, Indiana, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on August 6, 1981 and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 18-6-4.5, and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adopted of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: the Trust Indenture, the Loan Agreement, the Credit Agreement, the Loan Agreement, Mortgage and Security Agreement, the Letter of Credit and the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the Loan Agreement, Mortgage and Security Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provision of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

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SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to I.C. 18-64.5) shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, 1981 Series A, B, C D1 and D2 (hereinafter collectively referred to as "the Bonds"). The Series A, B, C, D1 and D2 Bonds are in the aggregate principal amount of \$530,000, to-wit:

(a) The Series A Bonds are in the aggregate principal amount of \$60,000, bearing interest at the rate of 10-1/2% per annum semi-annually on April 1 and October 1 of each year. Principal is payable in ten equal installments of \$6,000 commencing April 1, 1982, and continuing every October 1 and April 1 thereafter to and including October 1, 1986.

(b) The Series B Bonds are in the aggregate principal amount of \$39,000 bearing interest at the rate of 10-1/2% per annum payable January 1, 1982, and April 1, 1982, and quarterly payments to principal and interest at 10-1/2% commencing July 1, 1982 in equal installments of \$2,320.38, and continuing on the first day of each October, January, April and July thereafter until paid in full.

(c) The Series C Bonds are in the aggregate principal amount of \$300,000, bearing interest at the rate of 10-1/2% per annum quarterly commencing on July 1, 1982, and continuing on the first day of each April, July, October and January thereafter. Principal is payable in seventeen equal installments of \$16,666.67 commencing on July 1, 1983, and continuing on the first day of each October, January, April and July thereafter to and including July 1, 1987, with a final payment of \$16,666.61 on October 1, 1987.

(d) The Series D Bonds are divided into two parts designated as Series D1 and Series D2 in the aggregate principal amount of \$140,000.00 with Series D1 in the principal amount of \$70,000, bearing interest at the rate of 12% per annum, payable quarterly on January 1, April 1, July 1, and October 1 in the amount of \$2,100 of each quarter year for six years. Commencing January 1, 1988, and on the first day of each month thereafter for 48 months the Bonds shall be paid at the rate of \$1,843.80 to principal and interest at 12% to and including December 1, 1991. Series D2 is also in the principal amount of \$70,000 and bears interest at the rate of 11-1/2% per annum quarterly commencing January 1, 1982, and on the first day of April, 1982, and principal and interest payments quarterly commencing July 1, 1982, and continuing on the first day of each October, January, April and July thereafter in the amount of \$5,519.64 until paid in full.

for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement, Loan Agreement, Mortgage and Security Agreement, and the Bonds or otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness to or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City, and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Loan Agreement, and the Loan Agreement, Mortgage and Security Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holder of the Economic Development Revenue Bonds, 1981 Series A, B, C and D (TECO, INC. PROJECT), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

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Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisb art, GiaQuinta, D. Schmidt, V. Schmidt, SChomburg, Stier, Talarico

Nays: One

Nuckols

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-195-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-07

RESOLUTION NO. R-62-81

A RESOLUTION recommending the creation
of an Economic Development Department

WHEREAS, the citizens of Fort Wayne are concerned with the economic development of their community,

WHEREAS, the City of Fort Wayne is affected by a high rate of unemployment and thus the importance of economic development is highlighted;

WHEREAS, the City has the duty and the desire, through its Administration and Common Council to encourage and effectuate, whenever possible, the economic development of this community for the benefit of all of its citizens;

WHEREAS, at present the economic development efforts of the City are divided between the Department of Urban Grants, the economic development section of Community Development and Planning and a section of CETA:

WHEREAS, each of these departments or sections thereof, with respect to economic development, faces drastically reduced federal grants;

WHEREAS, to better marshal the funds and personnel available and to maximize the efficiency and quality of economic development, it would be best to combine those City departments or sections thereof dealing with economic development into one department.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Common Council of the City of Fort Wayne does hereby recommend and agree with the Administration that the Department of Urban Grants, the economic development section of Community Development and Planning and the economic development segment of CETA be combined into one City department to known as the Economic Development Department.

Section 2. That the Common Council of the City of Fort Wayne agrees with the intended action of the Mayor to create such a department and the Council approves such creation.

Section 3. That the Common Council by its Resolution herein made does hereby reaffirm its desire to facilitate economic development for the citizens of Fort Wayne, Indiana.

Vivian G. Schmidt
Councilwoman

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Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-62-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-08-06

RESOLUTION NO. R-63-81

A RESOLUTION FINDING, DETERMINING AND RATIFYING
AN INDUCEMENT RESOLUTION OF THE FORT WAYNE
ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING
THE ISSUANCE AND SALE OF \$28,000,000.00
ECONOMIC REVENUE BONDS OF THE CITY OF FORT
WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING
THE APPLICANT, SUMMERLEA COMMONS, INC.
TO PROCEED WITH THE ACQUISITION, CONSTRUCTION
AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be directly owned by a company; and

WHEREAS, Summerlea Commons, Inc., and Indiana not-for-profit corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer loan proceeds of an economic development financing to the Applicant to acquire, construct and equip an economic development facility, said economic development facility to include residential units for the elderly and other buildings designed as a full service retirement community and the furnishings and equipment to be installed therein, to be located on Beacon Steet, Fort Wayne, Indiana, on an approximate 28 1/2 acre tract of land ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 50 new jobs upon completion of construction and 100 new jobs within three years thereafter) to be achieved by the construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana; and

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WHEREAS, the Applicant is or will be a not-for-profit corporation described under Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended ("Code"), and will be exempt from tax under Section 501(a) of the Code;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Economic Development Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$28,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose (as defined in I.C. 18-6-4.5-1) at the time of authorization of such additional bonds, and that the aforementioned purposes comply with the provisions of I.C. 18-6-4.5.

SECTION 4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-63-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

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BILL NO. S-81-08-12

SPECIAL ORDINANCE NO. S-196-81

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5905-81, between the City of Fort Wayne,
Indiana, and Gateway Construction Company
for curbs and sidewalks improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 24, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board Of Public Works and Gateway Construction Company for:

improvements on a section of the retaining wall, handrail, sidewalks and curbs under the Penn Central Railroad Elevation on the East side of Hanna Street Between Hayden Street and Wallace Street,

under Board of Public Works Street Improvement Resolution No. 5905-81, at a total cost of \$5,142.00, shall as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-196-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-13

SPECIAL ORDINANCE NO. S-197-81

AN ORDINANCE approving a contract for
Curb and Sidewalk Improvement Resolution
No. 5907-81, between the City of Fort
Wayne, Indiana, and T & F Construction
Company for the improvement of curbs and
sidewalks in the Harrison Hill Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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SECTION 1. That a certain contract, dated July 29, 1981, between the the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & F Construction Company, for:

Improvement of curbs, sidewalks and drive approaches in the Harrison Hill Addition as follows:
(1) Harrison Street from South curblin Rudisill Boulevard to North curblin Sherwood Terrace;
(2) Hoagland Avenue from North property line Lexington to South property line Lot #171 & #172
(3) Webster Street from North property line Lexington to North curblin North Cornell Circle;
(4) Foster Parkway from West curblin Calhoun Street to West property line Lot #9 & #11; (5) Branning Avenue from West curblin Calhoun Street to West property line Lot #21 & #23; (6) Lexington Avenue from West curblin Calhoun Street to West property line Lot #198; (7) North Seminole Circle from West curblin Calhoun Street to East curblin Radial Lane; (8) South Seminole Circle from West curblin Calhoun Street to East curblin Radial Lane; (9) Radial Lane from East curblin North Cornell Circle to West curblin North Seminole Circle; (10) North Cornell Circle from West curblin Calhoun Street to East curblin Hoagland Avenue; (11) South Cornell Circle from West curblin Calhoun Street to East curblin Hoagland Avenue; (12) Pasadena Drive from West curblin South Cornell Circle to West property line Lot #175; (13) Maxine Drive from West curblin North Cornell Circle to West property line Lot #207.

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 590781, at a total cost of \$418,817.90, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-197-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-14

SPECIAL ORDINANCE NO. S-198-81

AN ORDINANCE approving City Utilities Purchase Order Numbers 4-09491 and 4-09492 with Business Equipment Company and Shrex, Inc. respectively for office supplies for the Office Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order Numbers 4-09491 and 4-09492 dated July 28,

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1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Business Equipment Company and Shrex, Inc. respectively, for office supplies, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same are in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-198-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-15

SPECIAL ORDINANCE NO. S-199-81

AN ORDINANCE approving an agreement for
Sanitary Sewer Extension between the
City of Fort Wayne, Indiana and Teco, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain agreement dated June 10, 1981, between the City of Fort Wayne, Indiana and Teco, Inc. for:

the construction of a fifteen inch public gravity sanitary sewer to service Lot D, Eastburn Outlots and the tract being leased from the Board of Aviation.

at a total cost to Teco, Inc. of \$30,000.00 all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

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Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Esbart, GiaQuinta, Neukols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-25-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-199-81 on the 25th day of August, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1981, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of August, 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor





BILL NO. S-81-08-17

SPECIAL ORDINANCE NO. S-200-81

AN ORDINANCE ratifying an Agreement establishing
a Pension Plan and Funding Agreement between
the City of Fort Wayne, Indiana, and Indiana and
Michigan Electric Company

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain agreement, dated June 18, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Indiana and Michigan Electric Company to:

provide benefits for the employees
of the Fort Wayne electric system
who became employees of Indiana AND
Michigan Electric Company on March 1,
1975,

all as more particularly set forth in said agreement which is on file in the Office of the Mayor, and is hereby incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20--81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-18

SPECIAL ORDINANCE NO. S-201-81

AN ORDINANCE approving an Agreement
to purchase real estate from the City
of Fort Wayne, Indiana by Barbara J. Barone

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated July 27, 1981, between the City of Fort Wayne, by and through the Board of Public Works and Barbara J. Barone, for:

West one-half of Lot #4 Reidmiller
Addition,

for the total cost of \$145,00 as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuint, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-201-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-19

SPECIAL ORDINANCE NO. S-202-81

AN ORDINANCE approving an Agreement
to purchase real estate from the City
of Fort Wayne, Indiana, by Lee Britton

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated July 25, 1981, between the City of Fort Wayne, by and through the Board of Public Works and Lee Britton, for:

Lot 39 Charles W. Scherers Addition

for the total cost of \$195.00 as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-202-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-20

SPECIAL ORDINANCE NO. S-203-81

AN ORDINANCE AUTHORIZING THE
CITY OF FORT WAYNE TO ISSUE ITS
\$100,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE
REVENUE BONDS, SERIES 1981
(CSC REALTY PROJECT)
AND APPROVING AND AUTHORIZING
OTHER ACTIONS IN RESPECT THERETO.

WHEREAS, the City of Fort Wayne Economic Development Commission has been duly created by the City of Fort Wayne, Indiana, and the members of the Commission have been duly appointed and qualified pursuant to law; and

WHEREAS, the City of Fort Wayne Economic Development Commission has prepared and filed with the Allen County Plan Commission its report entitled "Report of the City of Fort Wayne Economic Development Commission Concerning the Proposed Construction of Economic Development Facilities by CSC Realty;" and

WHEREAS, the City of Fort Wayne Economic Development Commission, after a public hearing conducted on August 24, 1981, adopted a Resolution on the same date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities (the "Project") of CSC Realty complies with the purposes and provisions of I.C. 1971, §18-6-4.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the City of Fort Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance; and

WHEREAS, by legislation duly adopted on April 27, 1981 (herein called the "Original Bond Legislation"), the Common Council of the City of Fort Wayne authorized the issuance of \$375,000 Economic Development First Mortgage Revenue Bonds (CSC Realty Project) (the "Original Bonds"), the proceeds of which were used for the construction and equipment of the Project; and

WHEREAS, Section 9 of the Original Bond Legislation provided that the City of Fort Wayne would use its best efforts to issue, sell and deliver Additional Bonds on a parity with the Original Bonds upon the written request of CSC Realty (the "Company"); and

WHEREAS, the Company has so requested the City of Fort Wayne to issue Additional Bonds in the amount of \$100,000 (herein called the "Series 1981 Bonds") for the purpose of completing the construction and equipment of the Project; and

WHEREAS, the City of Fort Wayne Economic Development Commission has approved the forms of and has transmitted for approval by this Common Council the Supplemental Loan Agreement (the "Agreement") between the City of Fort Wayne and the Company, Supplemental Mortgage and Security Agreement from the Company to the City of Fort Wayne (the "Mortgage"); an Assign-

1 ment of such Supplemental Mortgage (the "Assignment") from
2 the City of Fort Wayne to Indiana Bank and Trust Company
3 (the "Trustee"); and a Supplemental Trust Indenture between
4 the City of Fort Wayne and the Trustee (the "Indenture").

5 NOW, THEREFORE, BE IT ORDAINED by the Common Council of
6 the City of Fort Wayne, Indiana, that:

7 SECTION 1. It is hereby found and determined that the
8 financing of the economic development facilities constitut-
9 ing the Project and referred to in the Agreement approved
10 by the City of Fort Wayne Economic Development Commission
11 and presented to this Common Council, the issuance and sale
12 of the Series 1981 Bonds, the use of the net proceeds there-
13 of for the completion of the construction and equipment of
14 such facilities, the payment of principal of, premium, if
15 any, and interest on such bonds from bond payments pursuant
16 to the Agreement, and the securing of said bonds by the mort-
17 gaging of the Project to the Trustee pursuant to the Mortgage
18 and the Assignment, all as previously approved by the City of
19 Fort Wayne Economic Development Commission and presented to
20 this Common Council, will be of benefit to the health and wel-
21 fare of the City of Fort Wayne and its citizens and complies
22 with the purposes and provisions of the Act.

23 SECTION 2. The forms of the Agreement, the Mortgage, the
24 Assignment, and the Indenture approved by the City of Fort
25 Wayne Economic Development Commission are hereby approved.
26 Such documents collectively shall be considered the "Financ-
27 ing Agreement" referred to in the Act. Such documents shall
28 be incorporated herein by reference and shall be inserted in
29 the minutes of the Common Council and kept on file by the City
30 Clerk.

31 SECTION 3. The City of Fort Wayne hereby determines that
32 economic development revenue bonds shall be issued pursuant to
the Act in the principal amount of \$100,000 for the aforesaid
purposes. Such bonds shall be designated "City of Fort Wayne
Economic Development First Mortgage Revenue Bonds, Series 1981
(CSC Realty Project)" (the "Series 1981 Bonds"), and shall be
issued for the purpose of procuring funds to make a loan to
the Company which shall use such proceeds to pay a portion of
the costs of acquisition, construction and equipment of the
economic development facilities constituting the Project, as
more particularly set out in the Indenture and Agreement in-
corporated herein by reference, which Series 1981 Bonds shall
be issued in the form and denomination and shall be executed,
dated, be subject to redemption on the dates and at the prices
as provided herein and in the Indenture, and more particularly
as provided in the form of Series 1981 Bond submitted herewith
to this Council, which form is specifically hereby approved.
The Series 1981 Bonds will be payable as to principal, premium
(if any) and interest from the loan payments made by the Com-
pany under the Agreement and from other revenues and income
realized under the Agreement, or as otherwise provided in the
above described Indenture. The Series 1981 Bonds shall never
constitute a general obligation of, an indebtedness of, or a
charge against the general credit of the City of Fort Wayne.

Notwithstanding any provision to the contrary, the Series
1981 Bonds are issued on a parity with the Original Bonds and
any Additional Bonds hereafter issued (collectively, the "Bonds").
All Bonds shall be at all times equally and ratably secured,
with no preference of any one series over another.

1 SECTION 4. The Mayor and Clerk are authorized and directed
2 to sell the Series 1981 Bonds to The Cincinnati Insurance Com-
3 pany, Cincinnati, Ohio (the "Original Purchaser"), at a rate
4 of interest not to exceed 12% per annum at a price of 100% of
5 the principal amount thereof. The Series 1981 Bonds shall be
6 scheduled to mature on March 15, 2000, with portions of the
7 Bonds becoming due in annual installments over a period of
8 years pursuant to the mandatory sinking fund provisions set
9 forth in Section 7 hereof. Payments of principal of, premium,
10 if any, and interest on the Series 1981 Bonds shall be made
11 in a manner and on the dates prescribed in the Series 1981
12 Bonds and in the Agreement.

13 SECTION 5. The Mayor and Clerk be and they are hereby
14 authorized and directed to execute the documents constitut-
15 ing the Financing Agreement approved herein on behalf of the
16 City of Fort Wayne and any other documents which may be neces-
17 sary or desirable to consummate the transaction including, with-
18 out implied limitation, the Series 1981 Bonds authorized herein
19 and financing statements to be utilized in connection with the
20 perfection of security interests. The forms of the documents
constituting the Financing Agreement shall be subject to such
changes as are not inconsistent with this Ordinance and as may
be approved by the officers executing the same, which approval
shall be conclusively evidenced by the execution of such docu-
ments by the Mayor and/or Clerk of the City of Fort Wayne. The
signatures of the Mayor and Clerk on the Series 1981 Bonds and
coupons may be facsimile signatures. The Clerk is authorized
to arrange for delivery of the Series 1981 Bonds to the Trustee
against payment therefor by such Trustee.

1 SECTION 6. At the time of issuance, delivery and payment
2 for the Series 1981 Bonds, all accrued interest from the date
3 of the Series 1981 Bonds to the date of delivery to the Origin-
4 al Purchaser and payment therefor shall be deposited from the
5 purchase price for the Series 1981 Bonds into the Bond Fund
6 (as defined in the Trust Indenture dated as of March 15, 1981
7 between the City of Fort Wayne and the Trustee (the "Trust In-
8 denture")).

21 SECTION 7. As provided in the Agreement, payments suffi-
 22 cient in time and amount to pay the Bond service charges (as
 23 devined in the Agreement) as they come due, are to be paid by
 24 the Company directly to the Trustee for the account of the
 25 City of Fort Wayne and deposited in the Bond Fund. Under the
 26 provisions of the Agreement, payments with respect to the pro-
 27 missory note in the principal amount of \$100,000 delivered by
 28 the Company to the City of Fort Wayne and assigned to the Trus-
 29 tee (the "Series 1981 Note") shall be deposited into the Bond
 30 Fund for the account of the City of Fort Wayne and shall con-
 31 stitute Loan Payments.

32 As and for the mandatory sinking fund requirements for
 the retirement, by mandatory redemption of the Series 1981
 Bonds, the aggregate of the Loan Payments specified in Sec-
 tion 2.1 of the Loan Agreement dated as of March 15, 1981
 between the City of Fort Wayne and the Company (the "Loan
 Agreement") which is to be deposited in the Bond Fund on or
 before each Loan Payment Date (as defined in the Loan Agree-
 ment) shall include amounts sufficient to redeem (less the
 amount of any credit as provided in the next following para-
 graph) on each corresponding Mandatory Redemption Date (as
 defined in the Agreement) the principal amount of Series 1981
 Bonds set opposite the appropriate year as follows:

1	Year	Mandatory Sinking Fund Requirement	Stated Maturity
2	1982	\$5,000	
3	1983	\$5,000	
4	1984	\$5,000	
5	1985	\$5,000	
6	1986	\$5,000	
7	1987	\$5,000	
8	1988	\$5,000	
9	1989	\$5,000	
10	1990	\$5,000	
11	1991	\$5,000	
12	1992	\$5,000	
13	1993	\$5,000	
14	1994	\$5,000	
15	1995	\$5,000	
16	1996	\$5,000	
17	1997	\$5,000	
18	1998	\$5,000	
19	1999	\$5,000	
20	2000		\$10,000

21 For the purpose of effecting said mandatory redemption the
 22 Trustee, on behalf of the City of Fort Wayne and without neces-
 23 sity for further action by the City of Fort Wayne or the Company
 24 shall cause to be redeemed on each Mandatory Redemption Date
 25 such aggregate principal amount of the Series 1981 Bonds as
 26 equals the mandatory sinking fund requirements as provided for
 27 above in this Section 7 for the applicable Mandatory Redemption
 28 Date. Series 1981 Bonds called for redemption pursuant to the
 29 mandatory sinking fund redemption provisions hereof shall be
 30 called by lot in such manner as may be determined by the Trustee.

31 At its option, to be exercised on or before the forty-fifth
 32 day preceding any Mandatory Redemption Date, the City of Fort
 Wayne, or the Company on behalf of the City of Fort Wayne, may
 (a) deliver to the Trustee for cancellation Series 1981 Bonds in
 any aggregate principal amount, with all unmatured coupons attach-
 ed, or (b) receive a credit against the current mandatory sinking
 fund requirement (and corresponding mandatory redemption obliga-
 tion) of the City of Fort Wayne under the preceding paragraph for
 any Series 1981 Bonds which prior to such date have been redeemed
 (other than through the operation of the mandatory sinking fund
 requirements provided for in this Section) or purchased for can-
 cellation and cancelled by the Trustee and no theretofore appli-
 ed as a credit against any mandatory sinking fund requirement
 (and corresponding mandatory redemption obligation) under said
 preceding paragraph. Each Series 1981 Bond so delivered or pre-
 viously redeemed or purchased for cancellation shall be credited
 by the Trustee at 100% of the principal amount thereof against
 the respective mandatory sinking fund requirement (and corres-
 ponding mandatory redemption obligation) of the City of Fort
 Wayne on such Mandatory Redemption Date, and any excess of such
 amount shall be credited against future mandatory sinking fund
 requirements (and corresponding mandatory redemption obligations),
 in chronological order. The City of Fort Wayne, or the Company
 on behalf of the Issuer, will on or before the forty-fifth day
 preceding such Mandatory Redemption Date furnish the Trustee
 with a certificate, signed by the Fiscal Officer, or by the
 Authorized Company Representative (each as defined in the Loan
 Agreement), stating the extent to which the provisions of (a)
 and (b) of the first sentence of this paragraph are to be avail-
 ed of with respect to such mandatory sinking fund requirement

(and corresponding mandatory redemption obligation) for such Mandatory Redemption Date; unless such certificate is so timely furnished to the Trustee, such requirement and obligation provided for in the preceding paragraph shall not be reduced.

The City of Fort Wayne hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond service charges Fort Wayne covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the City of Fort Wayne shall cooperate fully with the Trustee to protect fully the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the City of Fort Wayne to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The City of Fort Wayne covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

SECTION 8. As provided in Section 7 of the Agreement, Reserve Fund Payments (as defined in the Agreement) are to be paid by the Company directly to the Trustee for the account of the City of Fort Wayne and deposited in the Debt Service Reserve or credited to the Debt Service Reserve Fund from the Reserve Fund Payments and from all other sources, including from income earned on the investment of moneys credited to the Debt Service Reserve Fund, amounts necessary to cause the principal sum on deposit therein to equal not more than \$71,250.00. If, at any time or from time to time, the principal amount on deposit in the Debt Service Reserve Fund is less than \$71,250.00, the Trustee shall invest the moneys in the Debt Service Reserve Fund in Eligible Investments (as defined in the Trust Indenture) and shall accumulate such income in the Debt Service Reserve Fund and add such income to the principal thereof. At all times when the principal amount on deposit in the Debt Service Reserve Fund is equal to \$71,250.00, the Trustee shall credit all further income received from the investment thereof to the Bond Fund to pay Bond service charges on the next succeeding Interest Payment Date or Principal Payment Date. In no event shall the Trustee permit the principal amount on deposit in the Debt Service Reserve Fund to be more than \$71,250.00.

If on any Interest Payment Date or Principal Payment Date, the balance in the Bond Fund is insufficient to pay the required Bond service charges, then the Trustee shall immediately transfer from the Debt Service Reserve Fund to the Bond Fund an amount sufficient to make up such deficiency in the Bond Fund. With the approval of the Company, the Trustee may also make withdrawals from the Debt Service Reserve Fund to pay the fees and expenses of the Trustee. After any such transfer as aforesaid, the Trustee may again receive and credit Reserve Fund Payments to the Debt Service Reserve Fund until the principal amount thereof

shall have again totaled \$71,250.00, provided, however, that the Trustee shall transfer from the Debt Service Reserve Fund to the Bond Fund for the final three installments of principal on the Bonds coming due pursuant to the mandatory sinking fund provisions set forth herein and in the Original Bond Legislation and in the Bonds, such amount as will reduce to zero the amount accumulated in the Debt Service Reserve Fund on the final maturity date of the Bonds.

SECTION 9. At the request of the Company and with the written consent of the Original Purchaser, if the Company is not then in default under the Agreement, the City of Fort Wayne, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act (as defined in the Trust Indenture), shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for the purposes and on the terms set forth in Section 9 of the Original Bond Legislation.

SECTION 10. The City of Fort Wayne will restrict the use of the proceeds of the Series 1981 Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Series 1981 Bonds are delivered to the Trustee, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code of 1954, as amended. The Mayor or any other officer having responsibility with respect to the issuance of the Series 1981 Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Common Council of the City of Fort Wayne, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the City of Fort Wayne, for inclusion in the transcript of proceedings for the Series 1981 Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c).

19 SECTION 11. The provisions of this Ordinance, the Agree-
20 ment and the Indenture securing the Series 1981 Bonds shall con-
21 stitute a contract binding between the City of Fort Wayne and
22 the Trustee, and after the issuance of the Series 1981 Bonds,
23 this Ordinance shall not be repealed or amended in any respect
 which would adversely affect the rights of such Trustee so long
 as any of the Series 1981 Bonds or the interest thereon remain
 unpaid.

24 SECTION 12. The actions of the Mayor or any other officer
25 of the City in doing any and all acts necessary in connection
26 with the construction and equipping of the Project and the is-
 suance of the Series 1981 Bonds are hereby, ratified and con-
 firmed.

27 SECTION 13. The proper officers, agents and employees of
the City are hereby authorized, empowered and directed to do
28 all such acts and things and to execute all such documents as
may be necessary in connection with the construction and equip-
29 ping of the Project and the issuance of the Series 1981 Bonds.

30 SECTION 14. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

31 SECTION 15. It is hereby found and determined that all
32 official actions of this Common Council concerning and relat-
 ing to the passage of this Ordinance were taken in an open

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1 meeting of this Common Council, and that all deliberations of
2 this Common Council and of any of its committees, if any, that
3 resulted in such official action were taken in meetings open to
the public, in full compliance with applicable legal requirements,
including I.C. §5-14-1.3-7.

4 SECTION 16. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Dated this day of September, 1981.

1
S Vivian G. Schmidt
PRESIDING OFFICER

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-203-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-08-21

RESOLUTION NO. R-65-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$1,855,000.00 ECONOMIC REVENUE BONDS
OF THE CITY OF FORT WAYNE, INDIANA, FOR
THE PURPOSE OF INDUCING THE APPLICANT,
LUTHERAN HOMES, INC.
TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4,5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be directly owned by a company; and

WHEREAS, Lutheran Homes, Inc., an Indiana not-for-profit corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer loan proceeds of an economic development financing to the Applicant to acquire, construct and equip an economic development facility, said economic development facility to include forty-three single and two double-unit rooms for Home residents, dining room, and boiler room addition with boiler, to be located at 6701 South Anthony Blvd., Fort Wayne, Indiana, on an approximate 5.26 acre tract of land within the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase of approximately thirty jobs to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana; and

WHEREAS, the Applicant is or will be a not-for-profit corporation described under Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended ("Code"), and will be exempt from tax under Section 501 (a) of the Code;

NOW THEREFORE, BE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Economic Development Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$1,855,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning,

engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-65-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-07-15

ZONING MAP ORDINANCE NO. Z-28-81

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Q-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 110, 111, 112, 113, 114, 115 in Slataper's Addition, and that part of Lot Numbered 116 in Slataper's Addition which is southwest of Raymond Street, all in Fort Wayne, Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. Q-3, referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico

Nays: One

Stier

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-28-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-34

SPECIAL NO. S-204-81

AN ORDINANCE amended a Restrictive Covenant
on Bill No. Z-80-02-08; Ordinance No. Z-20-80

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne, Indiana, on July 8, 1980 duly adopted Ordinance No. Z2080 which rezoned the following described real estate from RB to an M-1 District, in Fort Wayne, Indiana, to-wit:

Part of Lot #1 together with part of Lot #8 in Archange Godfrey's Subdivision of Richardville Reserve situated on the West side of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, as recorded in Deed Record 52, pages 54-55 in the Office of the Recorder of Allen County, Indiana, all being more particularly described as follows:

Beginning at the North corner of said Lot #8; thence N 33° -50' W, on and along the Southwesterly line of said Lot #1, a distance of 311.2 feet to the centerline of the Fairfield Ditch; thence Northeasterly, on and along said Ditch centerline on the following courses and distances;

N 60°-45' E, a distance of 70.4 feet; thence N 67°-33' E, a distance of 100.1 feet; thence N 83° -52E, a distance of 103.1 feet; thence N 70° -36' E, a distance of 89.5 feet; thence N 49° -09' E, a distance of 90.0 feet; thence N 38° -23' E, a distance of 100.4 feet; thence N 40° -06'E, a distance of 100.2 feet; thence N 45° -37' E, a distance of 131.0 feet to the Westerly right-of-way line of Bluffton Road (formerly State Road #1); thence Southeasterly, on and along said Westerly right-of-way line, being a regular curve to the left having aradius of 7211.98 feet and being situated 50.0 feet (measured radially) Westerly of and concentric to the centerline of said Bluffton Road, a distance of 155.5 feet (the chord of which bears S 08° - 27' E for a length of 155.5 feet) to the point of tangency; thence S 09° -04' E, continuing along said Westerly right-of-way line, being 50.0 feet (measured at right angles) Westerly of and parallel to the centerline of said Bluffton Road, a distance of 1145.5 feet; thence S 88° -03' W, a distance of 965.4 feet to the Northwesterly line of said Lot #8; thence N 25° -30' E, on and along said Northwesterly line, a distance of 709.2 feet to the point of beginning, containing 17.204 acres of land, more or less, and

SECTION 2. The rezoning was granted in consideration of and in reliance on a certain Restrictive Covenant, which was duly recorded and the intent of which was to restrict the use of said property to only

B-4 uses or use a mini-warehouse; and,

SECTION 3. It is desired to clarify the definition and ises minwarehouses as set forth in paragraph 1 of that Restrictive Covenant by adding a ~~new~~ paragraph 1 as set forth in the "Amendment to Restrictive Covenant" attached hereto.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. The Restrictive Covenant that was attached to Ordinance No. Z8080 is modified by deleting paragraph 1 of that document. It is authorized to add new paragraph 1 as contained in the Amendment to Restrictive Covenant attached hereto, which shall be recorded.

2. In all other ways Bill No. Z-80-02-08; Ordinance No. Z-20-80 and the Restrictive Covenant shall remain unchanged.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-204-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-08-33

RESOLUTION NO. R-66-81

A RESOLUITON by the Common Council of the
City of Fort Wayne, Indiana regarding administration
and enforcement of the Uniform Sign Code by the
City-County Building and Minimum Housing Department
of Allen County, Indiana

WHEREAS, I.C. 17-2-72-9 provides in part that to the end that the administration and enforcement of types of codes and standards contemplated by the Administrative Building Code might be performed by a single agency within the County, the Common Council of the City as well as the County Commissioners of the County are authorized to designate by resolution a single, mutually-agreed upon agency of the County to administer and enforce such code and standards throughout the County on behalf of the units of local government agreeing to the same; and,

WHEREAS, the City-County Building and Minimum Housing Department of Allen County, Indiana is the single agency to enforce such codes and standards;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne that the City-County Building and Minimum Housing Department of Allen County, Indiana, subject to the mutual agreement between the said Common Council of the City of Fort Wayne, Indiana and the County Commissioners of Allen County, Indiana is designated as the agency to administer and enforce the Uniform Sign Code of the State of Indiana of 1979 and all additions thereto and amendments thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: Two
 Burns, Eisbart
Abstained: One
 Stier

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-66-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-26

SPECIAL ORDINANCE NO. S-205-81

AN ORDINANCE approving Change Order Number
Northwest Central, Phase IV-B,
Resolution 5894-81

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 1 to Hipskind Concrete Corporation in connection with the Northwest Central, Phase IV-B, Resolution 5894-81, for:

the addition of another city block
of curb and walk,

in the amount of \$12,214.10, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-205-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-27

SPECIAL ORDINANCE NO. S-206-81

AN ORDINANCE approving a contract for
Street Improvement Resolution 591281
between the City of Fort Wayne, Indiana,
and Hipkind Asphalt Corporation for resurfacing
and restoring of the pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTIONN 1. That a certain contract, dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipkind Asphalt Corporation for:

resurfacing and restoring pavement as designated on the following streets: (1) Oak Street - from the east curb line of Division Street to the west curb line of Ohio Street; (2) Hugh Street from the east curb line of Harmar Street to the east property line of Chute Street; (3) Gay Street from the south curb line of Lewis Street to the north curb line of Hugh Street; (4) Eliza Street from the west property line of Gay Street to the east property line of Ohio Street; (5) Harmar Street from the south curb line of Lewis Street to the north curb line of Hayden Street,

under Board of Public Works Street Improvement Resolution 5912-81, at a total cost of \$71,963.15, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-206-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-28

SPECIAL ORDINANCE NO. S-207-81

AN ORDINANCE approving a contract for
Street Improvement Resolution 5913-81
between the City of Fort Wayne, Indiana,
and Dailey Asphalt Products Company for
resurfacing and restoring of the pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Company for:
resurfacing and restoring pavement as designated on the following streets to be known as: (1) Creighton Avenue from the east curb line of Lafayette Street to the west curb line of Hanna Street; (2) Dewald Street from the east curb line of Lafayette Street to the west curb line of Hanna Street; (3) Boltz Street from the east curb line of Lafayette Street to the west curb line of Warsaw Street; (4) Colerick Street from the east curb line of Lafayette Street to the west curb line of Warsaw Street; (5) Wildwood Avenue from the east curb line of Lafayette Street to the west curb line of Warsaw Street; (6) Warsaw Street - from the north curb line of Creighton Avenue to a point 50 feet north of the north curb line of Dewald Street,

under Board of Public Works Street Improvement Resolution 591381, at a total cost of \$72,937.25, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQunita, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-207-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-29

SPECIAL ORDINANCE NO. S-208-81

AN ORDINANCE approving a contract for
Street Improvement Resolution 5914-81
between the City of Fort Wayne, Indiana,
and Dailey Asphalt Products Company for
resurfacing and restoring of the pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Asphalt Products Company for:

resurfacing and restoring pavement as designated on the following streets to be known as: (1) Oliver Street from the north property line of McKee Street to the north curb line of Drexel Avenue; (2) St. Martins Street from the east curb line of Lafayette Street to the west curb line of Hanna Street; (3) Smith Street from the north curb line of Pontiac Street to the south curb line of Creighton Avenue; (4) Oliver Street from the south curb line of Creightog Avenue to the south curb line of Emily Street,

under Board of Public Works Street Improvement Resolution 591481, at a total cost of \$78,471.10, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-208-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-30

SPECIAL ORDINANCE NO. S-209-81

AN ORDINANCE approving a contract for
Street Improvement Resolution 5915-81
between the City of Fort Wayne, Indiana,
and Hipskind Asphalt Corporation for the
resurfacing and restoring of the pavement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipskind Asphalt Corporation for:

resurfacing and restoring pavement as designated on the following streets too be known as: (1) Thieme Drive - from the north property line of Berry Street to the north curb line of Washington Boulevard; (2) Third Street - from the west curb line of Wells Street to the West property line of Orchard Street; (3) Burgess Street - from the west curb line of St. Marys Avenue to the west property line of DeGroff Street,

under Board of Public Works Street Improvement Resolution 5915-81, at a total cost of \$41,875.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-209-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-08-31

SPECIAL ORDINANCE NO. S-210-81

AN ORDINANCE approving an Agreement for
payment of water main installation
between the City of Fort Wayne, Indiana,
and Julia M. Seculoff

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Julia M. Seculoff, for:

payment of water main installation
other than through Barrett Law Assessments
for the installation of the water main on
Olladale Drive, from Betty Avenue southward
to Spring Street (Water Improvement Resolution
#1020-80),

at a total cost of \$20,799.23, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-210-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. S-81-08-32

1002
SPECIAL ORDINANCE NO. S-211-81

AN ORDINANCE approving Change Order
Number 1, in connection with Water
Improvement . Resolution 1023-80, Orlando
Drive Water Main Extension

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 1 to T-G Excavating, Inc. in connection with the Orlando Drive Water Main Extension, for:

6" ductile iron pipe, asphalt driveway
replacement, concrete driveway replace
ment, stone driveway replacement, top
soil, seeding and mulched,

in the amount of \$342.71, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-211-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

RESOLUTION NO. R-64-81

RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$2,000,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT T G I FRIDAY'S
REALTY, INC. PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, T G I Friday's Realty, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a restaurant and bar located at the northwest quadrant of St. Joe and Roebuck Boulevard, south of the Marketplace of Canterbury Shopping Center, commonly referred to as Marketplace South-1. Part of the NE quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, said parcel also being part of Lots #7, 8 and 9, Parker Homestead Addition; including the land, building, equipment and machinery, development and issue costs (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 143 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

1004

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

D. Schmidt

Date: 9-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-64-81 on the 8th day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-01

SPECIAL ORDINANCE NO. S-212-81

AN ORDINANCE authorizing the establishment
of an EMS Equipment Fund for interim financing

WHEREAS, it is necessary to implement an expanded and improved Emergency Medical Services capability for the City of Fort Wayne;

WHEREAS, in order to accomplish such an expansion, it is necessary to acquire new equipment, including ambulances and communication devices;

WHEREAS, these items must be acquired so that said system may expand, and thus produce additional revenues;

WHEREAS, there are sufficient funds in the City Utility Power and Light Fund to provide for the interim financing of the necessary equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval is hereby given for the establishment of an EMS Equipment Fund to provide for interim financing for the acquisition of necessary equipment, including ambulance and communication devices, for the Emergency Medical Services capability of the City of Fort Wayne.

SECTION 2. That authority is hereby given to transfer a sum up to Four Hundred Thousand and 00/100 Dollars (\$400,000.00) from the City Utility Power and Light Fund to said EMS Equipment Fund for the purpose of said interim financing.

SECTION 3. That further, the City shall proceed to arrange for permanent financing by way of a municipal lease agreement or other financing mechanism that will produce the most favorable financial terms, and further, such permanent financing shall be used to re-pay the City Utility Power and Light Fund and any and all funds, including interest at 12 Per Cent, as transferred therein.

SECTION 4. If any section, clause, sentence, paragraph, part or provision of this Ordinance

shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico
Nays: Three
Burns, Nuckols, Schomburg
Abstained: One
D. Schmidt

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-212-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-02

SPECIAL ORDINANCE NO. S--213-81

AN ORDINANCE approving a certain bid
document for purchase of ambulances
for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 992 dated August 13, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Modular Ambulance Corporation for five (5) "Type I" Ambulances for the Board of Safety at a total cost of \$169,655.00, all as more particularly set forth in said bid document reference number 992 and Purchase Order Number A-005860, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

1006

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-213-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-03

SPECIAL ORDINANCE NO. S-214-81

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1981 A
(MULLINIX PACKAGES, INC. PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne has previously issued \$800,000 of economic development revenue bonds in 1976 (the "Series 1976 Bonds"); and

WHEREAS, Mullinix Packages, Inc. has requested the City of Fort Wayne to issue additional bonds on a parity with the Series 1976 Bonds; and

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Mullinix Packages, Inc. Project regarding the supplemental financing of proposed additional economic development facilities for Mullinix Packages, Inc. and the Fort Wayne City Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on September 3, 1981, and also adopted a resolution on September 3, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Mullinix Packages, Inc. complies with the purposes and provision of I.C. 36-7-12 (formerly I.C. 18-6-4.5) and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the First Supplemental Lease Agreement and First Supplemental Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the First Supplemental Lease Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the acquisition and construction

of such facilities and the equipping thereof, the payment of the revenue bonds by the lease rental payments of Mullinix Packages, Inc. under the First Supplemental Lease Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the First Supplemental Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 36-7-12 (formerly I.C. 18-6-4.5) and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The substantially final forms of the First Supplemental Lease Agreement and First Supplemental Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12 (formerly I.C. 18-6-4.5)), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981 A (Mullinix Packages, Inc. Project), in the total principal amount of Five Hundred Thousand Dollars (\$500,000) for the purpose of procuring funds to pay the additional costs of acquisition, construction and equipping of the additional economic development facilities as more particularly set out in the First Supplemental Lease Agreement and First Supplemental Mortgage and Indenture of Trust incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the lease rental payments made by Mullinix Packages, Inc. under the First Supplemental Lease Agreement or as otherwise provided in the above described First Supplemental Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

SECTION 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 70% of the prime commercial lending rate of the Lincoln National Bank and Trust Company of Fort Wayne (except in the event interest on the Series 1981 A Bonds become taxable) and at a price not less than 100% of the principal amount thereof. It is understood that the Bonds and the Series 1976 Bonds are on a parity one with another.

SECTION 5. The Mayor and Clerk are authorized and directed to execute, attest and affix the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto, provided however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the First Supplemental Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the First Supplemental Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

SECTION 6. It is understood by and agreed to be the Common Council that Mullinix Packages, Inc. will be financing additional facilities through the issuance of a third series of bonds.

SECTION 7. The provisions of this Ordinance and the First Supplemental Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981 A (Mullinix Packages, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

1008

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-214-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-09-21

RESOLUTION NUMBER R-67-81

A RESOLUTION approving application for Section
8 existing units in correlation with the small
multi-family demonstration

WHEREAS, The Housing Authority of the City of Fort Wayne, Indiana (hereinafter called "Housing Authority"), and the Community Development Department of the City of Fort Wayne has been awarded a grant from the Department of Housing and Urban Development and 33 units of Section 8 Existing Certificates.

WHEREAS, the Housing Authority is a separate public body corporate and politic, created and existing under the Indiana State statute and activated by resolution of this body pursuant to the provisions of such statute, proposes to apply to the United States Department of Housing and Urban Development for Section 8, United States Housing Act of 1947, as amended, Housing Assistance Payments Program funds, to be used to provide rental assistance to eligible families and elderly persons in the City of Fort Wayne, as follows:

Section 8 Existing Housing

(a)	Elderly, Handicapped or Disabled (zero bedroom units)	5
(b)	Elderly, Handicapped or Disabled (one bedroom units)	10
(c)	Family (one bedroom units)	9
(d)	Family (two bedroom units)	<u>9</u>
TOTAL		33

which, when added to the 919 rental assistance units presently authorized, and 49 pending units approved, but not received, will make a total of 1,001 such units in the city; and

WHEREAS, said state statute requires the Housing Authority to obtain approval of this body as its activating agency before initiating such Rental Assistance Payments Project; and

WHEREAS, it is the sense of this body that such program proposed by the Housing Authority will be of benefit to many deserving Fort Wayne citizens and to the community as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the aforesaid proposed Housing Assistance Payments Project of the Housing Authority of the City of Fort Wayne, Indiana, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-67-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-03-35 (AS AMENDED)

ZONING MAP NO. Z-29-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. K-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-26, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly, to-wit:

Part of the Northeast quarter of Section 27, Township 31 North, Range 12 East in Fort Wayne, Allen County, Indiana more particularly described as follows:

Commencing at the Northwest quarter of said Northeast quarter of Section 27; thence easterly along the North line of the Northeast quarter of said Section 27, 540.00 feet; thence South 00 degrees 32 minutes 00 seconds East, 300 feet to an iron pipe marking the point of beginning, said point being the Northwest corner of Lot No. 125 of Seneca Hills, Section V, according to the the recorded plat thereof; thence South 89 degrees 59 minutes 00 seconds East parallel with the North line of the Northeast quarter of said Section 27 along the North line of Seneca Hills, Section V, 374.70 feet to the Northeast corner of Lot 120 of Seneca Hills, Section V; thence South 00 degrees 06 minutes West 283.95 feet to the Northeast corner of Lot No. 21 of Seneca Hills Section 1; thence South 89 degrees 54 minutes East 1320.13 feet to the Northeast corner of Seneca Hills, Section 1; thence South 1 degree 08 minutes East 37.03 feet to the North line of the real estate described in a deed dated June 19, 1972 recorded as Document Number 72-13523 in the Office of the Recorder of Allen County; thence East parallel to the centerline of Trick Avenue 180 feet along the said North line to the Northeast corner of said real estate, being the West line of Lot 28 in Trixholme Addition, according to the recorded plat thereof; thence North 327 feet, more or less, along the West line of Trixholme Addition to the North line of a 15 foot wide easement and alley granted to the City of Fort Wayne, Indiana, by deed recorded in Deed Record 644, page 223 in the Allen County Recorder's Office; thence East along the North line of said easement 205 feet to the East line of the Northeast quarter of said Section 27, said East line being the centerline of Sherman Street; thence South on the East line of the Northeast quarter of said Section 27 to the Southeast corner of said Northeast quarter thereof; thence West along the boundary of Franke Park on the South line of the Northeast quarter of said Section 27, 775 feet; thence North and

parallel to the East line of said Section 27 along the boundary of Franke Park 50 feet; thence Northeasterly along the boundary of Franke Park, a distance of 509.8 feet to a point of compound curvature on the arc of a circular curve right, having a radius of 975 feet and a long chord of 504 feet, which long chord bears Northeasterly by a deflection of 21 degrees 56 minutes 45 seconds to the right of the bearing of the preceding course; then continuing Northeasterly along the boundary of Franke Park, a distance of 177.12 feet on the arc of a circular curve having a radius of 331 feet and a long chord of 175 feet, which chord bears Northeasterly by a deflection of 30 degrees 18 minutes 45 seconds to the right of the bearing of the preceding long chord, to a point 28 feet south of the north line of Morrow Way at the west terminus thereof; thence Northeastward along the boundary of Franke Park on the arc of a circular curve right, having a radius of 1000 feet, a distance of 415.6 feet to the Southwest corner of Lot No. 72 of Trixholme Addition, Section "D", according to the recorded plat thereof; thence Northwestward along the Southwest line of said Lot No. 72 of Trixholme Addition, Section "D", being the boundary line of Franke Park on the arc of a 5 degree 44 minute curve, right, a distance of 80 feet, more or less, to the Northeast corner of said park land; thence South 89 degrees 58 minutes 15 seconds West along the North line of Franke Park, a distance of 1451.75 feet to the Southwest corner of Lot No. 99 of Seneca Hills, Section IV, according to the recorded plat thereof; thence North 00 degrees 32 minutes 00 seconds West 968.42 feet to the Northwest corner of Lot No. 103 of Seneca Hills, Section V, according to the recorded plat thereof; thence South 89 degrees 54 minutes 00 seconds East 190.20 feet; thence North 00 degrees 32 minutes 00 seconds West, 428.42 feet to the point of beginning; excluding all public right-of-way and streets.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-29-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

ZONING MAP ORDINANCE NO. Z-30-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an
R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne,
Indiana of 1974:

A part of Lot 11, J.H. Feichter's Garden View Addition, beginning at a point 247.5 feet
West of and 1025.4 feet South of the South West corner of the North East Quarter of the
South West Quarter, Section 32, St. Joseph Township, Allen County; thence South 270.5
feet, West 82.5 feet, thence North 270.5 feet, thence East 82.5 feet to the place of beginning.
(Commonly known as 3505 Lake Avenue)

East 82 1/2 feet of South 270 feet of Lot 11, J.H. Feichter's Garden View Addition, Fort
Wayne, Allen County, Indiana. (Commonly known as 3515 Lake Avenue)

West 85 feet of South 270 1/2 feet of Lot 12, J.H. Feichter's Garden View Addition, Fort
Wayne, Allen County, Indiana. (Commonly known as 3521 Lake Avenue)

East 80 feet of the South 270.5 feet, except the North 101 feet and except the East 18 feet
of Lot 12 of J.H. Feichter's Garden View Addition, Fort Wayne, Allen County, Indiana.
(Commonly known as 3529 Lake Avenue)

and the symbols of the City of Fort Wayne Zoning Map No. R-14, referred to therein, established by Section
33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and
legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbarg, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning
Map Ordinance No. Z-30-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September,
1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

1012

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974;

and the symbols of the City of Fort Wayne Zoning Map No. L-14, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

Mark E. GiaQuinta
Councilman

Nays: Nine

Charles W. Westerman/ne
City Clerk

AN ORDINANCE amending certain
Sections of Chapter 17 of the Code of
the City of Fort Wayne, Indiana of 1974

for Kenwood Avenue

Barr Street

Third Street

SECTION 4. That Schedule 12, Section 17-93(c) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 12 the following:

2 HOUR PARKING 8 A.AM. TO 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wayne Street	South Side	Clinton Street	Barr Street

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico
Nays: None

Date: 9-22-81
Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G=15-81 on the 22nd day of September, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk /ne
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-11

GENERAL ORDINANCE NO. G-16-81

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City
Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 4, Section 17-48 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 4 the following:

<u>THRU STREET</u>		
<u>STREET</u>	<u>FROM</u>	<u>TO</u>
St. Joe Center Road	Clinton Street	The East City Limits except at Clinton Street, St. Joe Road and Reed Road

Washington Center Rd.

Clinton Street

The West City Limits
except at Clinton
Street, School Drives,
Dartmouth Drive,
Coldwater Road and
Lima Road

Jefferson Boulevard

Illinois Road

Division Street except
at Illinois Road,
Ardmore Avenue,
Freeman Street,
College Street, Van
Buren Street, Broadway,
Fairfield Avenue,
Ewing Street,
Webster Street,
Harrison Street, Calhoun
Street, Clinton
Street, Barr Street,
Lafayette Street,
Clay Street, Hanna
Street and Harmar Street

Maumee Avenue

Division Street

The East City Limits
except at McCulloch
Street, Anthony
Boulevard, Dubois
Street, Glasgow
Avenue and Lumbard
Street.

Washington Boulevard

East City Limits

Jefferson Boulevard
except at Glasgow
Avenue, Anthony Boulevard,
Hanover Street,
Harmar Street, Hanna
Street, Clay Street,
Lafayette Street, Barr
Street, Clinton Street,
Calhoun Street, Harrison
Street, Webster Street,
Ewing Street, Fairfield
Avenue, Broadway, Van
Buren Street and College
Street

Upper Huntington Rd.

Illinois Road

The West City Limits
except at Illinois Road,
Covington Road and Getz
Road.

SECTION 2. That Schedule 5, Section 17-49 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTIONS

STREET

Senate Avenue

-stop- for Smith Street

Senate Avenue

-stop- for Bowser Avenue

Oliver Street

-stop- for Senate Avenue

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-16-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-14

SPECIAL ORDINANCE NO. S-215-81

AN ORDINANCE approving Change Order
#1 in connection with East Central,
Phase IV, Resolution Number 5897-81

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order Number 1 to Rieth-Riley Construction Co., Inc. in connection with East Central, Phase IV, Resolution Number 5897-81 for:

Additional works to repair the
curbs and sidewalks on additional
streets

in the amount of \$1,776.49, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-215-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

1016
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-06-11

ANNEXATION ORDINANCE NO. X-04-81

AN ORDINANCE to amend Annexation Ordinance
No. X-04-79, the Blackhawk Annexation,
as amended by Annexation Ordinance No.
X-80-02-34

WHEREAS, Annexation Ordinance No. X0479 was passed by the Common Council on June 26, 1979, approved and signed by the Mayor of Fort Wayne on July 5, 1979, and received final publication thereof on July 19, 1979; and,

WHEREAS, X-04-79 was amended by Annexation Ordinance X-80-02-34, passed by the Common Council on May 13, 1980, approved and signed by the Mayor of Fort Wayne on May 16, 1980, and received a final publication thereof on May 30, 1980; and,

WHEREAS, the Common Council has been petitioned by fifty-one percent (51%) of the owners of a certain territory within the area described by X-04-79, as amended by X-80-02-34, to annex that certain territory through voluntary annexation procedures.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Annexation Ordinance No. X-04-79, as amended by X-80-0234, be further amended to delete the territory described by said petition for voluntary annexation;

SECTION 2. That the legal description of the territory to be annexed by Annexation Ordinance No. X-0479, as amended by X-80-02-34, be further amended to read as follows:

Commencing at the intersection of the centerline of Section 33, T 31, R 13 E and the north right-of-way line of Hicksville Road (East State Blvd.); thence northeasterly along the north right-of-way line of Hicksville Road (East State Blvd) this line also being the present corporation limits, to the east line of the northwest 1/4 of Section 34, T 31 N, R 13 E; thence South along said east line of northwest 1/4 of Section 34 (assumed to be the northerly projection of west line of Lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of Lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said Lot #2 in Browning Subdivision to a point located 262.68 ± feet north of the southwest corner of said Lot #2 in Browning Subdivision, said point more particularly described as being the northwest corner of Lot #77 of Lake Forest Extended, Section 111 as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 ± feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section 111; thence west along the north line of Valley Meadows Section 111 to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville Road to the south right-of-way line of Hicksville Road (East State Blvd.); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road; thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of Section 28, T 31 N, R 13 E; thence south on said centerline of Section 28 to said centerline of Section 33; thence south along said centerline of Section 33 to the intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of East State Blvd; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East on a line South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of East State Blvd.; thence along the centerline of East State Blvd., by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of East State Blvd., and containing 15.50 acres, more or less.

ALSO EXCLUDING THEREFROM:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana.

Part of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, ore particularly described as follows:

Commencing at the Northeast corner of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence South 00 degrees 46 minutes 00 seconds West along the East line of the Northeast quarter of said Section 33 a distance of 1229.0 feet to the point of beginning; thence continuing South 00 degrees 46 minutes 00 seconds West along said East line a distance of 378.0 feet to the Northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated Aril 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds West (South 88 degrees 02 minutes West deed) along the Northerly line of he White parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said Northerly line and the Westerly extension thereof a distance of 937.30 feet to a point on the East line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet East (by right angle measurement) of and parallel with the West line of the East half of the Northeast quarter of Section 33 aforementioned; thence continuing South 01 degrees 04 minutes 30 seconds West along said right-of-way line a distance of 94.26 feet; thence South 67 degrees 37 minutes 34 seconds West a distance of 209.59 feet; thence South 80 degrees 03 minutes 41 seconds West a distance of 70.0 feet; thence South 66 degrees 00 minutes 34 seconds West a distance of 71.66 feet; thence South 65 degrees 10 minutes 40 seconds West a distance of 43.75 feet to the Easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds West along the Northeasterly side of said property a distance of 205.21 feet to the Southeast Corner of Block "B" in the Village of Buckingham Section 1 as recorded in document #80 014047 in the Office of the Recorder of Allen County;

thence North 52 degrees 37 minutes 36 seconds East a distance of 385.03 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 190.00 feet to the East line of said Indiana and Michigan Electric Co., right-of-way, thence North 01 degrees

04 minutes 30 seconds East along said East right-of-way line 495 feet to the Southwest corner of Lot #18 in the Hollows Section 1 as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence South 89 degrees 13 minutes 00 seconds East along the South line of the Hollows a distance of 815.00 feet; thence North 63 degrees 19 minutes 20 seconds East continuing along said South line a distance of 145.00 feet to the Southwest corner of Lot #5 in the Hollows, thence leaving said South line South 26 degrees 58 minutes 46 seconds East a distance of 75.36 feet; thence South 89 degrees 22 minutes 48 seconds East a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Rod over the Easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

SECTION 3. That except as hereby amended, Annexation Ordinance X-0479 as amended by X-80-02-34, shall remain in full force and effect.

SECTION 4. That this ordinance shall be in full force and effect after its passage, approval, by the Mayor, and sixty days after final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-06-12

ANNEXATION ORDINANCE NO. X-05-81

AN ORDINANCE annexing certain territory, commonly known as the Trans Am Area, to Fort Wayne, and including the same in Councilmanic District No. 2

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and

WHEREAS, said territory is adjacent to the corporate limits; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

In th East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana.

Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence South 00 degrees 46 minutes 00 seconds West along the East line of the Northeast Quarter of said Section 33 a distance of 1229.0 feet to the point of beginning; thence continuing South 00 degrees 46 minutes 00 seconds West along said East line a distance of 378.0 feet to the Northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds West (South 88 degrees 02 minutes West deed) along the Northerly line of the White parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township and Range and recorded in plat book 21, page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said Northerly line and the Westerly extension thereof a distance of 937.30 feet to a point on the East line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet East (by right angle mesurement) of and parallel with the West line of the East half of the Northeast Quarter of Section 33 aforementioned; thence continuing South 01 degrees 04 minutes 30 seconds West along said right-of-way line a distance of 94.26 feet; thence South 67 degrees 37 minutes 34 seconds West a distance of 209.59 feet; thence South 80 degrees 03 minutes 41 seconds West a distance of 70.0 feet; thence South 66 degrees 00 minutes 34 seconds West a distance of 71.66 feet; thence South 65 degrees 10 minutes 40 seconds the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds West along the Northeasterly side of said property a distance of 205.21 feet to the Southeast corner of Block "B" in the Village of Buckingham Section I as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds East a distance of 385.03 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 190.0 feet to the East line of said Indiana and Michigan Electric Co., right-of-way; thence North 01 degrees 04 minutes 30 seconds East along said East right-of-way line 495 feet to the Southwest corner of Lot #18 in the Hollows Section 1 as recorded in document #78 17214 in the Office of the Recorder of Allen County, thence South 89 degrees 13 minutes 00 seconds East along the South line of the Hollows a distance of 815.00 feet; thence North 63 degrees 19 minutes 20 seconds East continuing along said South line a distance of 145.00 feet to the Southwest corner of Lot #5 in the Hollows, thence leaving said South line South 26 degrees 58 minutes 46 seconds East a distance of 75.36 feet; thence South 89 degrees 22 minutes 48 seconds East a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the Easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval, by the Mayor and sixty (60) days after final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-06-13

RESOLUTION NO. R-68-81

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Trans Am Area

WHEREAS, the annexation of territory to the city is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including the newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas received the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Trans Am annexation area, more specifically:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana.

Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence South 00 degrees 46 minutes 00 seconds West along the East line of the Northeast Quarter of said Section 33 a distance of 1229.0 feet to the point of beginning; thence continuing South 00 degrees 46 minutes 00 seconds West along said East line a distance of 378.0 feet to the Northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County, thence South 87 degrees 57 minutes 47 seconds West (South 88 degrees 02 minutes West deed) along the Northerly line of the White parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly

line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21, page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said Northerly line and the Westerly extension thereof a distance of 937.30 feet to a point on the East line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet East (by right angle measurement) of and parallel with the West line of the East half of the Northeast Quarter of Section 33 aforementioned; thence continuing South 01 degrees 04 minutes 30 seconds West along said right-of-way line a distance of 94.26 feet; thence South 67 degrees 37 minutes 34 seconds West a distance of 209.59 feet; thence South 80 degrees 03 minutes 41 seconds West a distance of 70.0 feet; thence South 66 degrees 00 minutes 34 seconds West a distance of 71.66 feet; thence South 65 degrees 10 minutes 40 seconds West a distance of 43.75 feet to the Easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds West along the Northeasterly side of said property a distance of 205.21 feet to the Southeast corner of Block "B" in the Village of Buckingham Section 1 as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds East a distance of 385.03 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 190.0 feet to the East line of said Indiana and Michigan Electric Co., right-of-way; thence North 01 degrees 04 minutes 30 seconds East along said East right-of-way line 495 feet to the Southwest corner of Lot #18 in the Hollows Section I as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence South 89 degrees 13 minutes 00 seconds East along the South line of the Hollows a distance of 815.00 feet; thence North 63 degrees 19 minutes 20 seconds East continuing along said South line a distance of 145.00 feet to the Southwest corner of Lot #5 in the Hollows, thence leaving said South line 26 degrees 58 minutes 46 seconds East a distance of 75.36 feet; thence South 89 degrees 22 minutes 48 seconds East a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the Easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Trans Am annexation it is the policy of the City of Fort Wayne to follow the provision of Common Council Resolution No. R5679 with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to are within the City which have similar topography, patters of land utilization, and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be full force upon the effective date of the Trans Am annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

1022

Date: 9-22-81

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution
No. R-68-81 on the 22nd day of September, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk /ne

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September,
1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 24th day of September, 1981, at the hour of 11:00 o'clock
A.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. G-81-08-16 (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 1481

3 AN ORDINANCE dealing with animal
4 control, care and disposition, creating an
5 animal control commission, the rigid enforcement
6 of laws dealing with animals and repealing all
7 ordinances in conflict herewith

8 General Purpose

9 It is the purpose of this ordinance to establish in
10 the City of Fort Wayne, Indiana, provisions for control of
11 animals and for their proper care and disposition, to rigidly
12 enforce all laws dealing with animals, and to set up an animal
13 control commission and executive director thereof to supervise
14 the operation of the Animal Control Shelter and control of
15 animals.

16 This ordinance repeals Section 6-1 to and including
17 Section 6-29 of the Code of the City of Fort Wayne, Indiana, of
18 1974, and the following is substituted therefor:

19 ARTICLE I

20 DEFINITIONS

21 Section 6-1

22 ALTERED ANIMAL: Any animal that has been operated on to prevent
23 it from procreating.

24 ANIMAL: Any living vertebrate, domestic or wild, except a
25 human being

26 ANIMAL CONTROL COMMISSION: Animal Control Commission shall be
27 the governing board.

28 ANIMAL CONTROL SHELTER: The municipally owned facility
29 established for the purpose of animal control, care and
30 disposition, as set forth in this ordinance, operated by and
31 under the direct supervision of the Fort Wayne Animal Control
32 Commission and the Executive Director of the Shelter.

33 AUCTION: Any place or facility where animals are regularly
34 bought or sold or traded, except for those facilities otherwise
35 defined in this ordinance or State Law.

36 BREEDER: Any person who for compensation causes the breeding
37 or selling of any dog or cat or makes any dog or cat available
38 for breeding purposes.

39 CATTERY: Any person, group of persons, partnership or corpora-
40 tion owning or harboring more than three (3) cats.

41 CIRCUS: A commercial variety show including animal acts for
42 public entertainment.

43 COMMERCIAL ANIMAL EXHIBIT: Display or show of wild or domestic
44 animals in a shopping center, retail establishment, adjacent lot,
45 or elsewhere, for the purpose of promoting retail sales.

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUIDE DOGS: Dogs trained to assist the handicapped.

ANIMAL WELFARE ORGANIZATION: Any not-for-profit organization for the prevention of cruelty to animals incorporated under the laws of the State of Indiana.

KENNEL: Any person, group of persons, partnership or corporation engaged in the keeping of more than three (3) dogs, or the business of boarding, or training for a fee, or grooming.

OWNER: A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON: A person, for purposes of this ordinance, shall be defined as an individual, firm, corporation, or commercial establishment.

PET: Any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or Police or canine governmental dogs.

PET SHOP: Any person, group of persons, partnership, or corporation whether operated separately or in connection with another business enterprise, except for a licensed cattery or kennel, that buys, sells, or offers for sale any species of animal.

PUBLIC NUISANCE: Any animal which:

1. Interferes with passersby or passing vehicles,
2. Attacks other animals or person,
3. Trespasses on school grounds,
4. Is repeatedly at large or unrestrained,
5. Damages private or public property, or
6. Barks, whines or howls or makes other sounds common to its species in excess.

RABIES VACCINATION: The injection, by a licensed veterinarian, of a dog, cat, or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

RESTRAINT: Any animal secured by a leash or lead, or under the control of the animal's owner or attending party and obedient to that person's control, or within the real property limits of its owner.

RIDING SCHOOL OR STABLE: Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

RODEO: A performance featuring bronc riding, steer wrestling, calf roping, greased pig contest or bull riding.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL: Any animal that has, without provocation, attacked a human being.

WILD ANIMAL: Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK: Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

ARTICLE II

FORT WAYNE ANIMAL CONTROL COMMISSION

Section 6-2 FORMATION

(1) ANIMAL CONTROL COMMISSION: The Animal Control Shelter shall be operated by a voting five (5) member board, so named the Fort Wayne Animal Control Commission. The Commission members shall be appointed to serve a three (3) year term, terms to be staggered. No limit shall be set on numbers of terms a Commissioner can serve, all members to serve without compensation.

a. Three (3) of the Commission members shall be appointed by the Mayor. The two (2) remaining members of the Commission shall be appointed by the City Council.

b. At the outset, the Mayor shall appoint one person to serve one year, one person to serve two years, and one person to serve three years. The City Council shall appoint one person to serve two years, and one person to serve three years.

c. This selection shall not be based on political affiliations, but on interest in animal care and control and knowledge of same.

- 20 (2) ORGANIZATIONAL MEETING:
- 21 a. The first meeting of the Commission shall be
- 22 convened by the Executive Director of the Shelter.
- 23 b. The Commission shall elect a Chairman, Vice
- 24 Chairman, and a Secretary from among its members.
- 25 c. The Secretary shall be charged with the duty of
- 26 keeping and maintaining the minutes and other
- 27 records of the Animal Control Commission.
- 28 (3) MEETINGS, RULES AND REGULATIONS: The Commission shall
- 29 meet at least once each month, or upon special call
- 30 by the Chairman, or upon the written request to the
- 31 Chairman by any three (3) members. It shall adopt
- 32 rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of the ordinances and laws under which it exists and performs its functions.
- (4) QUORUM: Three (3) members of the Animal Control Commission shall constitute a quorum to do business.
- (5) VACANCIES: In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise,

1 the appointment to fill the vacancy so occurring

2 shall be made by the original appointing body for the

3 unexpired term only and shall be subject to the

4 provisions stated in Section 6-2 (1).

Section 6-3 DUTIES AND POWERS OF ANIMAL CONTROL COMMISSION

- 5 (1) To cause to be enforced all city ordinances and/or
- 6 State laws regarding animal care and control. A
- 7 policy on inspections shall be formulated by the Com-
- 8 mission and submitted by ordinance to the Mayor
- 9 and the City Council for approval.
- 10 (2) To maintain and operate the city's Animal Control
- 11 Shelter or shelters which have been designated for
- 12 the humane sheltering or protection and disposition
- 13 of animals coming into its custody.
- 14 (3) To purchase all necessary materials for the proper
- 15 and efficient performance of the services and work
- 16 required of the Shelter, consistent with the city's
- 17 duly established purchasing procedures.
- 18 (4) To cause to be picked up and transported to the
- 19 Animal Control Shelter all unwanted animals, all
- 20 animals illegally at large, and all sick, diseased,
- 21 injured, lost, strayed, stolen, or abandoned animals.
- 22 Those animals whose owners request, may be promptly
- 23 euthanized at said Shelter. In addition, any animal
- 24 which appears to be ill and would pose a health hazard
- 25 to other animals, or any animal which is injured so
- 26 that it cannot rest comfortably for a minimum of
- 27 three (3) working days may be destroyed immediately
- 28 as so authorized by the Executive Director or his/her
- 29 authorized agent. All other animals shall be kept at
- 30 said Shelter or place designated by said Shelter for
- 31 a period of not less than three (3) working days to
- 32 afford owners the opportunity to claim the animal.
- After such period of time, unclaimed animals shall be placed in a suitable home, retained at said Shelter or euthanized. Animals released to said Shelter by their owners, or impounded animals not claimed within the legal time become the property of said Shelter and disposition may be made at said Shelter's discretion.
- (5) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the City.
- (6) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the City. To cause to be impounded at the Animal Control Shelter or suitable places designated by Animal Control Shelter all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII Section 6-22.
- (7) To enter into contracts with any municipalities or governmental units or any person, association or corporation for the collection, transportation,

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sheltering and disposal by said Shelter for sick, diseased, injured, illegally at large, lost strayed or abandoned animals provided that no such services be extended by said Shelter outside the City, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the City Attorney or a duly designated Associate, as to form and legality, the approval of the Mayor, and the ratification by City Council.

- (8) To employ all personnel necessary for the efficient performance of the duties required of said Shelter.
- (9) To prepare and submit to the City Council through the City Controller, an annual budget, for its financing of its operations and performance of its duties.
- (10) To submit to the Mayor, and to the City Council, no later than January 30th of each year, a report of its activities and operations for the prior year.
- (11) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after Commission approval and submission to the Mayor and City Council for approval and adoption.
- (12) To provide that all dogs and/or cats released for adoption, shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan.

ARTICLE III

ANIMAL CARE REGULATIONS

Section 6-4 ANIMAL CARE REGULATIONS

- (1) No person shall confine or allow his or her animal to remain outside during weather conditions which would constitute a health hazard to the animal without providing appropriate shelter.
- (2) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck or choke collar. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness. The tying device shall be attached to the animal's collar or harness.
- (3) All animals shall have fresh, potable drinking water and be provided with food that is nutritional for that species.
- (4) Cats and dogs over the age of six (6) months must be vaccinated by a licensed veterinarian against rabies, and must wear a tag at all times attached to a properly fitted collar or harness.
- (5) All animals shall be provided with necessary medical care in addition to the required rabies vaccination.
- (6) Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from his own property or the property of another, excepting a blind person working with a guide dog.
- (7) All animals, where kept inside, or in a pen, tied, fastened, hitched, leashed, or enclosed in a fence shall be kept in a sanitary manner. The persons responsible for the animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.
- (8) No wild or exotic animal shall be kept within the City without the necessary State and/or Federal permits.
- (9) All animals shall be properly restrained as defined in this ordinance.
- (10) No person owning, harboring or responsible for an animal shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal.
- (11) No person shall permit or conduct any dog fight, cockfight, or other combat between animals or between animals and humans.
- (12) No person shall set any type of poisonous substance or bait within the city limits that is deemed harmful to any domestic animal; provided, however, that controlled programs under the direction of the City Board of Health or a licensed extermination service may be excluded.
- (13) Any person operating a motor vehicle who causes injury or death to an animal shall stop at once, assess the extent of injury, and immediately notify the owner or Animal Control Shelter of the location of the animal.
- (14) No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- (15) No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause physical injury or suffering.

- 26 (16) Every female dog or cat in heat shall be confined in
27 a secure building or enclosure so as to prevent
28 conception except during instances of planned
29 breeding.
- 30 (17) No person shall abandon or cause to be abandoned
31 any animal anywhere within the City limits in any
32 public or private place, way or building.
- (18) No person shall own or harbor a public nuisance as
defined in this ordinance.
- (19) No person shall own or harbor a vicious animal as
defined in this ordinance.
- 1 (20) No person shall sell, offer for sale, trade, barter,
2 or give away any live animal, fish, bird, or reptile
3 as a prize for, or as an inducement to enter a place
4 of amusement; or offer such vertebrate as an incentive
5 to enter any business establishment or enter into any
6 business agreement whereby the offer was made for the
7 purpose of attracting trade, for business other than
8 establishments selling animals as their primary
9 business.
- (21) No person shall sell, offer for sale, trade, or
barter any animal whose appearance has been chemically
altered by dyes or staining.
- (22) No person shall sell, offer for sale, barter, or give
away baby rabbits, chicks, goslings, ducklings or
other fowl as pets or novelties. This section shall
not be construed to prohibit the sale or display of
baby rabbits, chicks, goslings, ducklings or other
fowl in proper brooder facilities by hatcheries or
stores engaged in the business of selling them to be
raised for commercial purposes.
- (23) No person shall keep or maintain any coop in which
chickens, ducks, turkeys or other domestic fowl and
poultry are kept within a distance of less than
fifty (50) feet from any dwelling.
- (24) No person shall conduct or allow the following events
within the City Limits:
- a. Rodeos,
 - b. Donkey Basketball Games,
 - c. Greased Pig Contests.
- (25) No person other than a duly authorized agent of the
Animal Control Shelter may destroy any domestic
animal within the City limits; provided, however,
this provision shall not apply to the following:
- a. a licensed veterinarian,
 - b. those persons acting in immediate self
protection,
 - c. City Police Officers or Firemen acting to
prevent undue suffering.
- (26) No person shall permit the continuous barking, whining,
or howling of a dog. When called, the Animal Control Shelter
will investigate promptly and maintain records on the
violation in such a manner that will permit expeditious
follow-up and enforcement. After the second offense,
the offending party shall be subject to Article VII,
Section 6-21.
- (27) No person shall interfere with an Animal Control
Officer in the pursuit of his/her duties as an Officer.
- (28) Violations of the provisions of this Section may
result in impoundment of the animal(s) in accordance
with Section 6-22.
- (29) Any violation of the above paragraphs 1 to 26 will
result in a fine in accordance with Article VII,
Penalties/Violations.

Section 6-5 LOST OR STRAY ANIMALS

- 1 (1) Persons finding a stray animal are to notify the
2 Animal Control Shelter, within 48 hours. At the
3 discretion of the Shelter, the animal may be kept by
4 the finder and a found report left with the Shelter,
5 to enable the finder an opportunity to return the
6 animal to its rightful owner. Upon demand by the
7 Animal Control Shelter, any found animal will be
8 surrendered to the Shelter and held for three (3)
working days, before a disposition is made. Persons
finding an animal are obligated to comply with all
rules and regulations of this ordinance pertaining
to humane care and treatment of animals, while said
animal is in their custody awaiting return to its
actual owner.

ARTICLE IV

BITING ANIMALS

Section 6-6 BITING ANIMALS

- (1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Animal Control Shelter. Upon receiving the report of a bite, the Shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Animal Control Shelter. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.
- (2) No person other than an Animal Control Officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self protection. If that occurs, the person will retain the body and immediately notify the Animal Control Shelter.

ARTICLE V

REGISTRATION AND PERMITS

Section 6-7 PET REGISTRATION

- (1) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet registration for such animal; provided, however, that no pet registration shall be required of any Animal Welfare Organization, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags.
- (2) A durable tag stamped with registration number and year of issuance will be provided to pet registration holders for each registration granted. Dogs and cats must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

Section 6-8 KENNEL/CATTERY PERMITS

- (1) Any person owning or harboring more than three (3) dogs over the age of six (6) months must apply for a kennel/cattery permit.
- (2) Any person owning or harboring more than three (3) cats over the age of six (6) months must apply for a kennel/cattery permit.
- (3) Permit holder has right to request that any dog or cat accepted be vaccinated against common diseases and proof of such vaccination be furnished to the kennel/cattery operator. Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this ordinance.
- (4) All kennel/cattery operators shall take care to house animals in a sanitary manner. Appropriate care, medical services and housing shall be given according to individual breeds.
- (5) In the event that an animal dies while being boarded or while in training, the body shall be preserved until owner's return or taken to a licensed veterinarian for an autopsy.

Section 6-9 PROFESSIONAL BREEDER'S PERMIT

- (1) Any person who for pay causes the breeding of a male or female dog or cat, or makes a dog or cat available for breeding purposes, and who offers for sale, or sells any dog or cat, and who obtains a kennel or cattery permit, shall pay an annual permit fee of One Hundred Dollars (\$100) in order to obtain a Professional Breeder's permit and number.
- (2) Such person shall not be restricted in the number of litters of dogs or cats he may breed or offer for sale.
- (3) Such person shall be required to furnish the Animal Control Shelter with information on the birth of each litter of dogs or cats as may be required by the Shelter to register that litter of dogs or cats with the Shelter, and to be assigned a litter number for each litter.
- (4) The Professional Breeder shall further be required to register with the Animal Control Shelter the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer.
- (5) The Professional Breeder shall transmit to the new owner or buyer the litter number of the animal acquired, and the Professional Breeder's permit number in order that the new owner have assurance and proof that the animal has been legally bred.
- (6) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (7) All animals offered for sale must be immunized against common diseases.

- (8) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (9) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-10 DOMESTIC HOUSEHOLD BREEDER'S PERMIT

- (1) Any person who for pay causes the breeding of a male or female dog or cat, or makes a dog or cat available for breeding purposes, and who offers for sale or sells any dog or cat, and who does not qualify for a kennel or cattery permit, shall not be permitted to allow the whelping of more than one litter per female animal in his or any other domestic household in a twelve-month period.
- (2) Such persons must obtain a Domestic Household Breeder's permit and number by paying an annual fee of Seventy-five Dollars (\$75).
- (3) Such persons shall be required to furnish the Animal Control Shelter with such information on the birth of the litters of dogs or cats per year as may be required by the Animal Control Shelter to register the litters of dogs or cats with the Shelter, and to be assigned a number for each litter.
- (4) The Domestic Household Breeder shall be further required to register with the Animal Control Shelter the name, address, and telephone number of each buyer or new owner of any dog or cat transferred within five (5) days after the sale or transfer.
- (5) The Domestic Household Breeder shall transmit to the new owner or buyer the litter number of the animal acquired, and the Domestic Household Breeder permit number in order that the new owner have assurance and proof that the animal has been legally bred.
- (6) Any person who advertises the availability of any animal(s) must also advertise the valid permit number.
- (7) All animals offered for sale must be immunized against common diseases.
- (8) No puppy or kitten under the age of eight (8) weeks may be sold, offered for sale or given away (exception being litters taken to the Animal Control Shelter).
- (9) Permit holder will furnish warranty of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-11 VETERINARY HOSPITALS/CLINICS

- (1) All animals shall be housed humanely and in a sanitary manner.

- (2) Veterinarians shall keep records of each animal accepted for treatment, diagnosis, or routine health care.
- (3) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals shall obtain a permit as herein provided.

Section 6-12 GROOMING SHOP PERMIT

- (1) Any person who has a grooming shop as defined in this ordinance shall obtain a grooming shop permit.
- (2) Permit holder has the right to request that any dog or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

Section 6-13 PET SHOP PERMIT

- (1) Any person operating a pet shop as defined in this ordinance shall obtain a pet shop permit.
- (2) The permit holder shall furnish the purchaser a written statement at the time of sale containing the following:
 - a. Date of sale,
 - b. Name, address and telephone number of purchaser and permit holder,
 - c. Permit number of permit holder,
 - d. Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot type birds, and fish not included.)
 - e. Prophylactic medication and immunization and dates administered,
 - f. Internal parasite medication(s) and date(s) administered,
 - g. A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

The permit holder shall retain a copy of the written statement for a period of twelve (12) months from the date of sale.

- 24 (3) The Pet Shop permit holder shall be further required
25 to register with the Animal Control Shelter the name,
26 address, and telephone number of each buyer or new
27 owner of any dog or cat transferred within five (5)
28 days after the sale or transfer.
- 29 (4) The Animal Control Officer or Health Department may
30 restrict the sale of any animal suspected of being
31 diseased or otherwise unfit for sale. An examination
32 by a licensed veterinarian may be requested at the
expense of the enforcing agency.
- a. The permit holder shall reimburse the enforcing
agency's veterinary fees if the inspection by the
veterinarian concludes the animal to be unfit for
sale at the time of inspection.
- b. The inspection is to be made by veterinarian
within twenty-four (24) hours of the enforcing
agency's determination that the said animal is not
fit for sale.
- (5) All pet shops defined herein and stores selling
animals, birds, reptiles and fish as pets shall take
care to house animals in a sanitary manner, appropriate
medical services, care, and housing shall be given
according to individual species needs.

Section 6-14 CIRCUSES AND COMMERCIAL ANIMAL EXHIBITS

- (1) Any person who is responsible for a Circus or a
Commercial Animal Exhibit as defined by this ordinance
must obtain a Circus or Commercial Animal Exhibit
permit.

Section 6-15 ZOOLOGICAL PARKS

- (1) Zoological Parks shall be issued complimentary permits
at no fee.

Section 6-16 ANIMAL CONTROL SHELTER/ ANIMAL WELFARE ORGANIZATION

- (1) No permit shall be required of the Animal Control
Shelter or Animal Welfare Organization; however, all other
provisions of this ordinance shall apply.

ARTICLE VI

REGISTRATION AND PERMIT APPLICATIONS/INSPECTIONS/FEES

Section 6-17 APPLICATION/TERM

- (1) Application for registrations or permits may be made
at the City Controller's Office or designated facility,
or by mail, and shall include name, address of applic-
ant, type of permit applied for, number and description
of animal(s), proof of rabies vaccination, information
regarding sterilization, and appropriate fee.
- a. All applicants must be in compliance with
zoning and all other applicable state or local
laws.
- b. Those permits that require prior inspection will
not be issued until proof of such inspection is
made available to Controller's Office by the
inspecting agency.
- (2) Registration and permits are to be issued for a term of
one (1) year, commencing with the first day of
February and expiring at midnight on the last day of
the licensing period. Application for registration
or permits may be made from February 1 through April
30 without penalty. After April 30, all applicants
will be required to pay an additional Five Dollars
(\$5) for each registration or permit required;
provided, however, circuses, performing animal acts,
or exhibitions shall be exempt from the penalty.
- (3) Upon issuance, City Controller's Office shall issue a
registration or permit in written form which includes

number of registration or permit, type of registration
or permit, and all pertinent information. In addition,
the Controller's Office shall issue a durable tag
stamped with registration number and year of issuance
for each pertinent registration.

- (4) The Controller's Office shall maintain records of the
identifying registration/permit number and make such
records available in written form to the Animal
Control Shelter.
- (5) All fees shall be paid at time of application, and
prior to the issuance of the permit or registration.

Section 6-18 INSPECTION

(1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Ordinance or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Ordinance or Indiana State law, the Animal Control Officer or Health Officer or Police Officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Ordinance or any State law; provided that:

a. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor;

b. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.

(2) In the event the Animal Control Officer, Board of Health or Police Officer, has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety the officer shall first present proper credentials and request entry explaining the reasons therefor. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the Officer shall have recourse to secure lawful entry and inspection of the property.

Section 6-19 FEES

In addition to all other fees required by law to be paid, the following fees shall be paid:

(1) Pet Registration:

Each altered dog or cat.....\$2.00
 Each unaltered dog or cat.....\$5.00
 Each dog or cat owned by a person over age of 65.....\$2.00
 A statement from a veterinarian saying that neutering shall constitute a threat to the health of that animal shall be issued a permit for.....\$2.00
 Replacement tag.....\$5.00

a. Application for a pet registration must be made within thirty (30) days of acquiring a dog or cat over the age of six (6) months, or within thirty (30) days of the date in which a puppy or kitten attains the age of six (6) months.

b. This requirement will not apply to non-residents keeping an animal within the city for not more than thirty (30) days.

(2) Kennel/Cattery Permit:

4-15 dogs.....\$50.00
 4-15 cats.....\$50.00
 16-25 dogs.....\$75.00
 16-25 cats.....\$75.00
 26 or more dogs.....\$100.00
 26 or more cats.....\$100.00

a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(3) Grooming Shop Permit:

Fee.....\$50.00

a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(4) Professional Breeder's Permit:

Fee.....\$100.00
 Plus appropriate kennel/cattery permit fee

a. A breeder's permit shall be issued provided all requirements of this ordinance are met.

(5) Domestic Household Breeder's Permit:

Fee.....\$75.00

a. A breeder's permit shall be issued provided all requirements of this ordinance are met.

(6) Pet Shop Permit:

Fee.....\$100.00

a. Permit will be issued after inspection approved by Animal Control Shelter and/or Board of Health and verification of same submitted to Controller's Office.

(7) Circus and Commercial Animal Exhibit Permits:

Fee.....\$100.00

a. Permit shall be valid only so long as the circus/commercial animal exhibit is in City for display, activity, etc., and must have a specific beginning and ending date, not to exceed ten (10) days.

b. Events lasting longer than ten (10) days must apply for second permit.

- 1 c. Permits rendered void are not re-useable for
- 2 separate engagements.
- 3 (8) Omnibus Permit:
- 4 Fee.....\$150.00
- 5 Plus appropriate kennel/cattery
- 6 permit fee
- 7 a. This permit shall allow the holder to operate a
- 8 kennel or cattery, grooming shop, pet shop,
- 9 and to be a Professional Breeder.
- 10 b. The permit holder does not need to obtain
- 11 individual permits in the aforementioned areas,
- 12 but all requirements for each of the aforementioned
- 13 permits shall be met before the Omnibus Permit
- 14 may be granted.

10 Section 6-20 APPEAL: DENIAL OR REVOCATION OF PERMIT

- 11 (1) Any person who is denied a permit or whose permit is
- 12 revoked may appeal the denial or revocation to the
- 13 Animal Control Commission within sixty (60) days of
- 14 the date of the denial or revocation of the permit.
- 15 (2) All requests for appeals must be in writing and
- 16 addressed to the Animal Control Commission; whereupon,
- 17 the Commission shall set the appeal for hearing within
- 18 forty-five (45) days of the receipt of the written
- 19 request.

17 ARTICLE VII

18 PENALTIES/VIOLATIONS

18 Section 6-21 PENALTIES/VIOLATIONS

- 19 (1) Violators of this ordinance in two specific areas,
- 20 those provisions having to do with acquisition of pet
- 21 registrations, and those provisions regulating animals
- 22 running at large shall be fined as follows:
- 23 First Offense.....\$15.00
- 24 Second Offense.....\$30.00
- 25 Third Offense.....\$60.00
- 26 (2) In the above two categories of violation, each offense
- 27 shall be considered a separate offense, and subject
- 28 to fine as such.
- 29 (3) For all other violations of this ordinance, and its
- 30 provisions, unless otherwise specified, fines shall be
- 31 not less than Fifty Dollars (\$50) nor more than
- 32 One Thousand Dollars (\$1,000).
- 33 (4) In the event that an animal is retained at the Shelter
- 34 because its owner has been in violation of this ordin-
- 35 ance, the person redeeming the animal by paying the
- 36 fine shall also be subject to paying for medical bills
- 37 incurred for routine shots for animals at the Animal
- 38 Control Shelter.
- 39 (5) Violators, upon conviction, may be given the oppor-
- 40 tunity to work at the Animal Control Shelter and/or

- 1 participate in a humane education program, if so
- 2 recommended by the court.
- 3 (6) Each twenty-four (24) hours that a violation occurs
- 4 will be considered a separate offense and can be
- 5 cited as such.
- 6 (7) Violations of any provision of this ordinance may
- 7 result in immediate impoundment of animal(s).
- 8 (8) Violation of any provision of this ordinance may
- 9 result in revocation of any permits.

7 ARTICLE VIII

8 IMPOUNDMENT/REDEMPTION

10 Section 6-22 IMPOUNDMENT

- 10 (1) Animals found in cruel, abusive, or neglectful
- 11 situations as defined in this ordinance may be
- 12 promptly impounded if no immediate contact with a
- 13 responsible person can be made; provided, however,
- 14 that the Animal Control Officer shall leave written
- 15 notice saying the location of the animal and the
- 16 reason for impoundment.

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- (2) Animals so removed will be impounded and held at the Animal Control Shelter or designated facility until such time violator is in compliance with this ordinance; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Animal Control Shelter, or for the Animal Control Officer to have ample time to prepare a court case if prosecution is warranted.
 - (3) Animals waiting disposition by the courts shall remain in the custody of the Animal Control Shelter until such disposition is made or placed in a foster home until legal arrangements have been completed.
 - (4) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

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Section 6-23 REDEMPTION

- (1) A person may reclaim an animal in the custody of the Animal Control Shelter upon providing the following:
 - a. Proof of ownership,
 - b. Payment of redemption fee and any other service/medical fees,
 as approved by the Animal Control Commission.
- (2) Stray or at large animals will be held three (3) working days at the Animal Control Shelter, pursuant to Section 6-3(4).

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- (3) Unclaimed animals become the property of the Animal Control Shelter and may be placed for adoption or humanely euthanized, pursuant to Section 6-3(4).

ARTICLE IX

MONIES

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Section 6-24 MONIES

- (1) Monies - All monies generated or collected by virtue of the provisions of this ordinance are to be set aside and placed in the Animal Control Commission Fund and subject to appropriation each year by the Common Council of the City of Fort Wayne for the activities of the Humane Shelter.

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Section 6-25 ORDINANCE SUPPLEMENTAL

- (1) The provisions of this Ordinance supplement all laws of the State of Indiana and all Allen County Ordinances covering the same subject matter.

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Section 6-26 CONFLICTING ORDINANCES

- (1) All other ordinances of the City of Fort Wayne that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

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Section 6-27 SEVERABILITY

- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

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Section 6-28 EFFECTIVE DATES OF ORDINANCE

- (1) Except for the requirement for applications for permits required to be made by this ordinance, which applications for permits shall not be required to be made until February 1, 1982, this ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication or legal posting thereof.

Vivian G. Schmidt

Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Ster, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Stier, talarico

Nays: Two

Nuckols, Schomburg

Date: 9-22-81

Charles W. WEsterman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-14-81, on the 22nd day of September, 1981.

ATTEST:

(SEAL)

Charles W. Westerman /ne
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 2nd day of October, 1981, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

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